



**TOWN OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**10 MARCH 2009**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 10 March 2009, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.05pm.

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Cr Izzi Messina – apologies – arriving late due to work commitments.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell ( <i>Deputy Mayor</i> )	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.07pm)
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

Approximately 11 Members of the Public

**(c) Members on Approved Leave of Absence:**

Nil.

**3. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS**

The following submissions were made by persons in the Public Gallery:

1. Christopher Senior of 7/216 Stirling Street, Perth – Item 9.1.4. Asked for this Item to be brought forward.

**Cr Messina entered the Chamber at 6.07pm.**

2. Catherine Hobbs of 241 Beaufort Street, Perth – Item 9.1.1. Referred to the incremental change to the fence in photos A1 and A2 which have 4-5 month old Lamarque Roses that are up to 6m long and in photo C3, identical 3 year old Lamarque Roses on a fence and that is what they are talking about if the lattice can stay – a wall of white roses. Regarding safety, stated by far Northbridge is the most dangerous suburb in Perth and in 2007 of 288 suburbs they averaged 38.75 per thousand burglaries and Northbridge was 309, more than twice as bad as the next worst suburb. Stated 13.6% of houses in Northbridge were broken into in the financial year ending 2008 and it's a very regular occurrence for them to have bottles

and other objects thrown over their walls. Advised they have 2 very small children resident in the house. Advised neighbours are supportive, including the one who complained. Admits she cannot go in her front garden as they are afraid and the next door neighbour, also supportive, agrees it is too dangerous. Believes Council has the right to vary the various grounds for objection and asked that personal safety be considered before a decision is made. Regarding heritage, stated Council is relying on Policy 3.6.1, Section 2.1 which states "*approval is not required for minor works that do not change the appearance of a heritage place*". Advised she approached the Heritage Council of WA who do not object to such amendments or modifications provided they are easily reversible which they are. Stated acceptable Guidelines for development A21 says "*the development should maintain an existing view of the premises*" and referred to photos 4A of when she brought the house and 4B. Stated even with the lattice, it is much more visible from the street than it was previously. Stated Guideline 2.5 says "*fences should be complimentary to the heritage place*". Believes not only is this type of lattice absolutely standard in heritage gardens of this period almost worldwide, particularly in WA, it is very complimentary to the style of ornamental woodwork on these house. Advised that the front fence is not original, it was built in approx. 1980. Regarding fence height, referred to photos 2A through to 2G-it is greater than 1.8m. In Lindsay Street, within 100m of her house, there are fences to 2.9m with materials ranging from barbwire, steel, brick, glass, wood. Referred to a block on Beaufort between Bulwer and Lincoln Streets. Stated there are 5 premises in it and the fence of very one exceeds 1.8m and believes these fences are being built high for a reason. Asked for parity with those people and for their safety to be considered.

3. Bruce Arnold of 2A Coogee Street, Mt Hawthorn – Item 9.1.10. Appreciated the recommendation to support approval. Believes the background in the report does not properly cover the parking issues. Advised in April 2006 they looked at putting 5 units on the site and only had 1 bay to the front of the house because his clients were looking to refurbish the house to bring it back to the original character and they thought it very important to have 1 bay, not 2. Stated on 5 December they still only had 1 bay and in December when it was finally approved with 3 additional units, it only had 1 bay. Stated it was not until they had final approval for the 2 bays and 3 units that the Technical Department asked them to move it from 1 bay to 2 which created a very dangerous situation with reversing as there was blind spots however, they accepted it. Believes they should have 1 bay because from the heritage contacts of the building from what the clients are looking at doing which is to totally bring the building back, bull nose verandas, turn posts, re-pitch the roof etc. believes it is better to have 1 bay instead of 2 occupying the front. Stated there is less paving, move landscaping, the meter boxes are not parallel to the street they are at 90 degrees to the street and Councillors and Officers have supported one bay to refurbished buildings throughout the years. Believes it is very important for developers to ensure that the most attractive and best outcome is pursued and they are pursuing what they know is best for the street and streetscape.

**Cr Messina departed the Chamber at 6.14pm.**

4. John Burgess of Burgess Design Group, 351 Newcastle Street, Northbridge – Item 9.1.3, submitted photos. Advised he is the applicant and owner of the property and intends to move his own business into the property upon conversion. Stated there are a number of "*curly*" conditions on the recommendation particularly clauses (iii) and (iv)(b). Advised the building is no longer occupied and was an old restaurant and he is seeking to convert it to mixed use with simple renovation/tidy-up. Stated he wants to modify the front to add light and modernise the building and engage it more with the street, at the rear, adding a double garage and residential component in accordance with Council's Scheme requirements. Believes it is a very simple renovation and is anxious to get in there as soon as possible and was quite surprised

to receive almost 3 pages of submissions. Does not understand why Council would request the amalgamation of the 2 Titles as the building has been on the land across the 2 Titles for many decades and the changes outlined are only very minor to the proposal. Stated it is quite likely in 10/12 years the site will be fully redeveloped therefore this is only an interim use and would like to retain the 2 Titles. Advised the pergola a the key factor that attracted him to the property, the good thing is that it is facing north and it will be their primary pedestrian access into the office therefore a major component. Believes it is an ideal working and entertainment space for clients and the photos submitted show what the pergola looks like. Stated our climate suits working outside and knows many people keen to have alfresco/coffee type meetings. Stated it is a key space and believes by cutting it back to 1.5m from the boundary it effectively halves it and becomes more like a veranda and less usable from their perspective and will internalise all their operations. Advised they are anxious, and as planners they are always advocates for trying to activate street spaces and that is what they want to do with their own premises and with the extra space they can serve the street and have activity. Stated the photos submitted show buildings setback about 3m with dead spaces in front of them and there is one with tiny windows and no activation with the street.

**Cr Messina returned to the Chamber at 6.18pm.**

5. Andrew Del Marco of 91 Forrest Street, North Perth – Item 9.1.6. Stated he is a parishioner at the church and generally supports the recommendation. Reinforces that the site in question has been used predominately as a car park for many years even before the demolition or fire in the meeting house. Stated the use of the car park is becoming more essential now that there are restrictions on Mary Street which he will continue further with Council as it is becoming increasingly hard for parishioners or visitors to find legal parking on Mary Street, partly because of confusing signs but also they are not getting acknowledgement as users of a large part of the north side of the street. Believes it is onerous to ask for a legal agreement and bond bank guarantee of \$15,000 as a year or so ago when they consulted they were advised that they would be likely require a legal agreement as it is a non conforming use in some way for the zoning however, believes having to also take out a guarantee is onerous and thinks a legal agreement would be sufficient. Requested approval of the use so they can start enforcing restrictions of use of the car park by others no part of the parish.

There being no further speakers, public question time was closed at approx. 6.19pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

- 4.1 Cr Izzi Messina requested leave of absence from 14 March 2009 to 6 April 2009 (inclusive), due to personal commitments.
- 4.2 Cr Ian Ker requested leave of absence for the Ordinary Meeting of Councils on 24 March 2009, 14 April 2009, 28 April 2009 and the Council Forum on 21 April 2009, due to personal commitments.

**Moved Cr Farrell, Seconded Cr Youngman**

*That Cr Izzi Messina's and Cr Ian Ker's requests for leave of absence be approved.*

**CARRIED (9-0)**

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS**

- 5.1 A petition was received from Ms R. Butcher and Mr T. Whittington of 20 Gladstone Street, Perth together with 41 signatories objecting to Hanson Construction Materials adding a fifth silo to their East Perth Concrete Batching Plant.

The Chief Executive Officer recommended that the petition be received and referred to the Director Development Services for investigation and report.

**Moved Cr Farrell, Seconded Cr Ker**

*That the Petition be received, and referred to the Director Development Services for investigation and report.*

**CARRIED (9-0)**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the Ordinary Meeting of Council held on 24 February 2009.

**Moved Cr Farrell, Seconded Cr Messina**

*That the Minutes of the Ordinary Meeting of Council held 24 February 2009 be confirmed as a true and correct record.*

**CARRIED (9-0)**

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

- 7.1 Employee of the Month Award for the Town of Vincent for March 2009

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$100 voucher, kindly donated by the North Perth Community Bank, and a Certificate. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For MARCH 2009, the award is presented to Eloise Clare, Retail Supervisor at the Town's Beatty Park Leisure Centre. Eloise was nominated by Dale Morrissy, Manager Beatty Park Leisure Centre for the following reasons.

Eloise joined the team at Beatty Park Leisure Centre in July 2008 and has brought an excellent knowledge of swimming into the Retail shop, being an avid swimmer herself.

She has helped to progress and promote the online shopping aspect of the Beatty Park retail shop with several purchases now being processed each week over the internet.

Eloise has developed a positive relationship with the Retail shop suppliers establishing links to their websites and enhancing the in-house marketing opportunities.

Her cheerful, helpful personality was also recognised by a customer recently, who wrote in expressing appreciation for the level of service received from Eloise when they visited the Beatty Park Retail Shop and again, the following day when the customer returned to try out their purchase (goggles) in the pool!

Congratulations Eloise - and well done!

**Received with Acclamation!**

7.2 Special Council Meeting – Monday 16 March 2009

Please be advised that a Special Council Meeting will be held on Monday 16 March 2009 at 6.00pm

The purpose of the Special Council Meeting is to consider the following matters;

1. Minister's Announcement concerning Local Government; and
2. The Leederville Masterplan.

7.3 Late Items

Please be advised that I have approved two late items for consideration:

1. Item 9.1.10 – No. 148 (Lot: 64 D/P: 2360) Carr Street, West Perth – Proposed Crossover to Existing Grouped Dwellings; and
2. Item 9.2.4 – Town of Vincent Participation in Earth Hour 2009.

**8. DECLARATIONS OF INTERESTS**

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has investment shares.
- 8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.
- 8.3 Cr Messina declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank in which the Town has investment shares.
- 8.4 Cr Burns declared a Financial interest in Late Item 9.1.10 – No. 148 (Lot: 64 D/P: 2360) Carr Street, West Perth – Proposed Crossover to Existing Grouped Dwellings. The extent of her interest being that she is a co-owner of the property.

**9. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)**

Nil.

**10. REPORTS**

The Presiding Member, Mayor Nick Catania, requested that the Chief Executive Officer advise the meeting of:

- 10.1 Items which are the subject of a question or comment from Members of the Public and the following was advised:

Items 9.1.4, 9.1.1, 9.1.10, 9.1.3, 9.1.6.

10.2 **Items which require an Absolute Majority which have not already been the subject of a public question/comment and the following was advised:**

Nil.

10.3 **Items which Council Members/Officers have declared a financial or proximity interest and the following was advised:**

Item 9.3.1.

Presiding Member, Mayor Nick Catania, requested Council Members to indicate:

10.4 **Items which Council Members wish to discuss which have not already been the subject of a public question/comment or require an absolute majority and the following was advised:**

Cr Farrell	Nil.
Cr Messina	Item 9.1.2.
Cr Youngman	Nil.
Cr Ker	Nil.
Cr Doran-Wu	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Items 9.1.5, 9.1.9 and 9.2.3.
Mayor Catania	Nil.

The Presiding Member, Mayor Nick Catania, requested that the Chief Executive Officer advise the meeting of:

10.5 **Unopposed items which will be moved "En Bloc" and the following was advised:**

Items 9.1.7, 9.1.8, 9.2.1, 9.2.2, 9.2.4, 9.4.1, 9.4.2, 9.4.3, 9.4.4, 9.4.5, 9.4.6 and 9.4.7.

10.6 **Confidential Reports which will be considered behind closed doors and the following was advised:**

Items 14.1 and 14.2.

The Chief Executive Officer advised the meeting of the **New Order** of business, of which items will be considered, as follows:

(a) **Unopposed items moved en bloc;**

Items 9.1.7, 9.1.8, 9.2.1, 9.2.2, 9.2.4, 9.4.1, 9.4.2, 9.4.3, 9.4.4, 9.4.5, 9.4.6 and 9.4.7.

(b) **Those being the subject of a question and/or comment by members of the public during "Question Time";**

Items 9.1.4, 9.1.1, 9.1.10, 9.1.3, 9.1.6.

The remaining Items identified for discussion were considered in numerical order in which they appeared in the Agenda.

**Moved Cr Ker, Seconded Cr Maier**

*That the following unopposed items be approved "En Bloc", as recommended;*

*Items 9.1.7, 9.1.8, 9.2.1, 9.2.2, 9.2.4, 9.4.1, 9.4.2, 9.4.3, 9.4.4, 9.4.5, 9.4.6 and 9.4.7.*

**CARRIED (9-0)**

**9.1.7 Draft Perth Coastal Planning Strategy for Public Comment**

<b>Ward:</b>	N/A	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	N/A	<b>File Ref:</b>	ORG0027
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Marie, T Woodhouse		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report relating to the Draft Perth Coastal Planning Strategy; and
- (ii) **AUTHORISES** the Chief Executive Officer to notify the Western Australian Planning Commission that the Town of Vincent **SUPPORTS IN PRINCIPLE** the intent and content of the Draft Perth Coastal Planning Strategy as “Laid on the Table.”

**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the Western Australian Planning Commission’s *Draft Perth Coastal Planning Strategy* currently being advertised for public comment, and to provide a summary of the Strategy to the Council.

**BACKGROUND:**

In December 2008, the Western Australian Planning Commission published a *Draft Perth Coastal Planning Strategy* to guide future sustainable planning for conservation, recreation, infrastructure and development of the metropolitan coast. The Town received an invitation dated 29 December 2008, to formally comment on the Draft Strategy.

The Strategy has been widely publicised for public comment, with submissions closing on 31 March 2009.

**DETAILS:**

The *Draft Perth Coastal Planning Strategy* is a comprehensive document that has been compiled by the Department for Planning and Infrastructure on behalf of the Western Australian Planning Commission as a template to guide future sustainable planning for the conservation, recreation, infrastructure and development of Western Australia’s coast. The Strategy draws on key planning documents such as *Network City* and State Planning Policy 2.6 relating to coastal planning. The Draft Strategy has been released for public comment to ensure that the community has the opportunity to provide feedback on the Strategy prior to it being finalised by the Government.

The Draft Strategy encompasses the coastal zone in the Metropolitan Region Scheme, which is made up of 120 kilometres of coastline, between Two Rocks and Singleton. The Strategy area extends 500 metres offshore (excluding the islands) and the eastern boundary is the first main road running parallel to the coast. The strategy breaks the coastline up into 56 precincts, which reflect the local characteristic and/or land use of the area. A number of recommendations are made for each of the precincts as a guide for local authorities in their decision making and planning for coastal regions.

The Strategy aims to ensure that all influential aspects have been considered in the development of the Draft document. As outlined below, the Draft Strategy;

- *“Reflects the views of the community and the government on the coast (its values and future development);*
- *Summarises and provides a key to all existing relevant legislation, policies, controls and guidelines and those with carriage of them;*
- *Provides additional information, direction and policy recommendations which were informed by the consultation processes and fresh background research; and*
- *Establishes 56 broadly defined coastal precincts to provide a framework in which future coastal planning and development can be coordinated.”*

The Draft Strategy suggests a number of ways which it can be implemented, including through the Metropolitan Region Scheme and local government Town Planning Schemes by creating Special Control Areas. The Perth Coastal Planning Strategy Steering Committee will guide the implementation of the Strategy.

#### Relevance to the Town of Vincent

A review of the Draft Strategy was undertaken by the Town’s Planning, Building and Heritage Services, Corporate Services and Technical Services, which indicated that the proposed recommendations will have little or no impact on the Town’s Policies or practices.

It is to be noted however, that section 7 of the Strategy - Planning Issues, Objectives and Recommendations (subsection 7.7.3) relating to provision of low cost accommodation, does draw specific reference to the Town of Vincent. Subsection 7.7.3 stipulates the key priority of the Strategy is to provide low cost accommodation along the coast. Information gathered by Tourism WA, shown in Table 7.11 of the Strategy, summarises a list of local government authorities that provide low cost accommodation. All local authorities, except for the Town of Vincent, fall within the study boundary. The information provided in the Table was to analyse the interaction between supply and demand for tourist accommodation.

The western most portion of the Town of Vincent is approximately seven (7) kilometres from the coast. While the Town is not located within the identified study area, it is considered that the Town is within close enough proximity to provide tourist accommodation for those visiting the coast.

However, whilst it is recognised that the Town has a number of low cost accommodation facilities, as outlined in Table 7.11 of the Draft Strategy, which may alleviate pressure for accommodation along the coast, it is not the Town’s intention to change its Policies to address these issues and promote the Town as a beach tourism locality. Furthermore, given the Town’s close proximity to the City, the Town aims to provide low cost accommodation for a variety of user groups residing in the locality and considers it unnecessary to explicitly incorporate the recommendations of the Draft Strategy into its Policies and practices.

**CONSULTATION/ADVERTISING:**

The Western Australian Planning Commission is currently advertising the Draft Strategy for public comment, which closes on 31 March 2009.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

The Town of Vincent Strategic Plan 2006-2011 states;

*1. Natural and Built Environment*

*Objective 1.1 Improve and maintain environment and infrastructure*

*1.1.4 Minimise negative impacts on the community and environment.*

**SUSTAINABILITY IMPLICATIONS:**

While there are no sustainability implications directly related to the Town's Policies and practices, the Draft Strategy promotes the principles of sustainability and aims to preserve the Perth metropolitan coastline for the future.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

In light of the above it is considered that the Council receive the report and support the Officer's recommendation to advise the Western Australian Planning Commission that the Town of Vincent supports the intent and content of the *Draft Perth Coastal Planning Strategy*.

**9.1.8 Town of Vincent Local History Book No. 2 – Progress Report No. 1**

<b>Ward:</b>	Both	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0187
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	H Au, T Woodhouse		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Progress Report relating to the Town of Vincent Local History Book No. 2;*
- (ii) *NOTES;*
  - (a) *the progress update of the project during October 2007 to February 2009; and*
  - (b) *further work is still required for the project, which will require most of 2009 to complete; and*
- (iii) *APPROVES the Indicative Timeline and Budget with the uncommitted funds to be carried over to the 2009/2010 financial year.*

**COUNCIL DECISION ITEM 9.1.8**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide an update for the Council, including an outline of the progress of the project carried out thus far, and to approve the indicative project timeline and budget with the uncommitted funds to be carried over to the 2009/2010 financial year.

**BACKGROUND:**

10 July 2007                      At its Special Meeting, the Council endorsed \$20,000 to undertake a second local history book to be completed as part of the 2007/2008 Annual Budget.

9 October 2007                      The Council at its Ordinary Meeting considered the report relating to the Town of Vincent Local History Book No. 2 and resolved as follows:

*“That the Council;*

- (i) *RECEIVES the report relating to the Town of Vincent Local History Book No. 2;*

- (ii) *APPROVES the working title of "COMMERCIAL ACTIVITIES OF OUR TOWN" for the Local History Book No 2;*
- (iii) *ENDORSES:*
  - (a) *in principle the approach to be taken for Book No. 2;*
  - (b) *the timeframe and budget for the project as detailed in this report; and*
- (iv) *NOTES that a progress report will be submitted no later than March 2008 to monitor project timeline and fund expenditure."*

It is noted that clause (iii) (b) of the Council Minutes above resulted in the Council resolving to approve an additional \$10,000 to the original \$20,000 budget allocation in accordance with the indicative Project Timeline and Budget detailed within the body of the report, resulting in a total \$30,000 budget allocation.

#### **DETAILS:**

In October 2007, following the Ordinary Meeting of Council held on 9 October 2007, a project working group was established including representatives from Heritage Services and the Local History Centre. The working group developed a consensus on the direction of research and identified key administrative issues, including staff costs.

#### Progress in 2008

A working group meeting held on 5 February 2008, updated the progress of the Project as follows:

- Numerous historical photographs and maps have been collected from the State Library of Western Australia;
- Building Licence numbers for all commercial properties on the MHI have been recorded;
- Advertisements placed in the 'Can you help?' section in *The West Australian* which have generated a number of interesting stories and photographs from community members;
- Several oral histories have been undertaken providing useful information on commercial places in the Town; and
- Recommend that uncommitted funds are to be carried over to the 2008/2009 Budget.

On 14 February 2008, the Heritage Services sent letters to all owners of past or present businesses listed on the Town's Municipal Heritage Inventory seeking photographs, architectural plans, illustrations and advertisements that may be of interest to include in the Local History Book 2.

Advertisements were placed in both the Town of Vincent Newsletter and the Town's dedicated Municipal Heritage Inventory Newsletter calling for photographs of businesses that operated or continue to operate in the Town to be submitted to the Town's Local History Centre for consideration for the Local History Book No. 2.

Regular progress meetings were held with members of the working group to compile and discuss information gathered.

Progress in 2009

On 11 February 2009, the working group presented the progress of the Project as follows:

- Feedback from the community in regards to oral histories and historic photographs have been well received;
- Research at the State Library of Western Australia has been completed;
- The Local History Centre representatives have attended school fairs to solicit new contacts and promote contributing to the book;
- Twenty one (21) interviews with former business owners and employees have been conducted;
- Community advertising to obtain photographs and other information has been completed;
- Archival Building Licence Plans have been ordered and received;
- Site visit and photographs of places of interest were undertaken;
- Quotations for reproduction fees of photographs were obtained;
- A spreadsheet outlining all possible places of entry into the book was generated; and
- Individual pro-formas have been created for each place of interest for members of the working group to enter relevant information.

**Table 1 - Indicative Project Timeline and Budget**

<u>Task</u>	<u>Indicative Dates</u>	<u>Budget</u>		
		2007/2008	2008/2009	2009/2010
Set up – administration, working teams, consultative group, including staff costs	completed	-	-	-
Research: photographs, maps, oral history, etc	Sep 2009	500	-	-
Advertising for content	completed	500	-	-
Selection of content	Sep 2009	-	-	-
Transcribing oral histories	Oct 2009	-	2,166.40	2,000
Writing of history and supporting text, proofreading	Oct 2009	-	-	1,200
Approval of text	Dec 2009	-	-	-
Desktop publishing/Artwork	Jan 2010	-	-	2,000
Review and rewrite	Feb 2010	-	-	-
Final artwork	Apr 2010	-	-	2,000
Sign-off	May 2010	-	-	-
Print run	May 2010	-	-	17,500
Launch and Promotion	June 2010	-	-	2,133.60
<b>SUB-TOTAL</b>		<b>\$1,000</b>	<b>\$2,166.40</b>	<b>\$26,833.60</b>
<b>TOTAL</b>				<b>\$30,000.00</b>

Due to the limited staff resources, there are still interviews to complete and research to carry out. It is anticipated that this process will take most of 2009. Given this, it is recommended that the project spread over to 2010 and the uncommitted funds be carried over to the 2009/2010 financial year.

### **CONSULTATION/ADVERTISING:**

The Local History Book No. 2 has been advertised requesting community input through the following mechanisms:

- Advertisements in *The West Australian*;
- The Town of Vincent Newsletter; and
- The dedicated MHI Newsletter.

The above advertising has been completed. Later advertising will be required to promote the sale of the book once completed.

### **LEGAL/POLICY:**

Nil.

### **STRATEGIC IMPLICATIONS:**

Town of Vincent Strategic Plan 2006-2011:

*Strategic Objective 1.1 – Improve and maintain environment and infrastructure*

*Action:*

*1.1.3 – Enhance and maintain the character and heritage of the Town of Vincent.*

*Strategic Objective 3.1 – Enhance community development and wellbeing*

*Action:*

*3.1.1 – Celebrate and acknowledge the Town's cultural and social diversity*

*3.1.1(a) Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town.*

*3.1.1(c) Promote an appropriate range of resources and programs, in various formats for members of the community.*

*Strategic Objective 4.1 – Provide good strategic decision-making, governance, leadership and professional management*

*Action:*

*4.1.6 – Focus on stakeholder needs, values, engagement and involvement*

*4.1.6(c) Increase and promote community participation in Town activities, promote business and industry associations and foster improved liaison between community groups, precinct groups, the Town and other relevant stakeholders.*

### **FINANCIAL/BUDGET IMPLICATIONS:**

It is estimated that income will be generated from the sale of 200 copies of hardcover books at \$45 each and 800 copies of softcover books at \$30 each, resulting in a total income of \$33,000. The total expenditure for the project is detailed in Table 1 of the Report.

The 2008/2009 Budget contains an amount of \$29,000 for Local History Book 2. It is requested that all remaining uncommitted funds be transferred to the 2009/2010 Budget to complete the project.

### **COMMENTS:**

The Local History Centre and the Heritage Services have progressed the Town of Vincent Local History Picture Book No. 2; however, the final compilation of the historical materials cannot be made until all necessary researching, editing and publishing have been completed. In light of the above, it is recommended that the Council supports the Officer Recommendation.

**9.2.1 Further Report - Proposed Traffic and Parking Improvements – Lincoln Street and Bulwer Avenue Highgate, Outside Highgate Primary School**

Ward:	South	Date:	4 March 2009
Precinct:	Hyde Park P12	File Ref:	PKG0142/TES0043
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the further report on Proposed Traffic and Parking Improvements in Lincoln Street and Bulwer Avenue, Highgate, outside the Highgate Primary School;*
- (ii) *NOTES that;*
  - (a) *the Town's Local Area Traffic Management Advisory Group met with the Highgate Primary School's Traffic Management Working Party, where both parties agreed on a strategy to refine the concept plans Nos. 2584-CP-01C and 2584-CP-01D;*
  - (b) *the Local Area Traffic Management Advisory Group and the school representatives considered that a "community workshop" should be held with adjacent residents to further progress the matter;*
  - (c) *a workshop was subsequently held at the Highgate Primary School on 17 February 2009; and*
  - (d) *Plan No. 2584-CP-01C has been modified, as a result of comments made at the public workshop, and superseded by Plan No. 2584-CP-01F, and Plan No. 2584-CP-01G has been prepared to extend a treatment on Lincoln Street to William Street;*
- (iii) *APPROVES IN PRINCIPLE the proposal as shown on Plan Nos. 2584-CP-01D, 2584-CP-01F and 2584-CP 01G and advertises the proposal to residents in Lincoln Street, Bulwer Avenue, Cavendish Street south of St Albans Street and Knebworth Avenue for public comment for a period of 14 days; and*
- (iv) *RECEIVES a further report at the conclusion of the community consultation.*

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**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the outcome of the "community workshop" held at the Highgate Primary School on 17 February 2009, on a proposal to improve traffic flow and parking improvements on roads in the vicinity of the Highgate Primary School.

**BACKGROUND:**

At its Ordinary Meeting of 16 December 2008, the Council received a report on the progress of the discussions with the school and made the following decision:

*"That the Council;*

- (i) RECEIVES the further report on Proposed Traffic and Parking Improvements in Lincoln Street and Bulwer Avenue, Highgate, outside the Highgate Primary School;*
- (ii) NOTES that;*
  - (a) the Town's Local Area Traffic Management Advisory Group met with the Highgate Primary School's Traffic Management Working Party;*
  - (b) both parties agreed on a strategy to refine the concept plans, No. 2584-CP-01C and 2584-CP-01D, as tabled at the meeting; and*
  - (c) the Local Area Traffic Management Advisory Group and the school representatives considered that a "community workshop" should be held with adjacent residents to further progress the matter;*
- (iii) APPROVES the Local Area Traffic Management Advisory Group and the Highgate Primary School Traffic Management Working Party conducting a Community Workshop at the Highgate Primary School in February 2009, following the commencement of the new school year, and*
- (iv) RECEIVES a further report on the outcomes of the 'community workshop'."*

**DETAILS:**

In accordance with clause (ii)(c) of the Council's decision, a "community workshop" was held at the Highgate Primary School on 17 February 2009.

The workshop was attended by 27 members of the public 3 council members and 2 officers.

The LATM Advisory Group Chair, Cr Ian Ker, provided an overview followed by a brief introduction by the Highgate Primary School Principal, Cris Sandri. The public then raised a number of issues, followed by the officers providing an overview of the proposal. Some of the issues raised included:

- Line marking required on Lincoln Street to delineate crow overs
- Residential only parking on Lincoln Street
- Enforcement
- Commuter parking
- Parking restrictions
- Crossing guard?

- Median strip in Beaufort Street – vehicles driving over
- Cavendish Lincoln dog leg
- Safe crossing points
- Parking both sides of Bulwer Ave preferred
- One way in Bulwer generally ok
- Possibly extend works on Lincoln to William Street
- Impact on Knebworth Ave?
- Planting of trees

**Officer Comments:**

The comments from the workshop were considered and briefly discussed with the LATM Advisory Group at its meeting held on Thursday 26 February 2008.

The Group concurred with the revised plan for Bulwer Avenue, Plan No 2584-CP-01F, which now incorporates some parking on the western side of the street and includes trees. A new plan has been prepared, Plan No 2584-CP-01G, which extends a treatment along Lincoln Street to William Street.

***\*Note: The following Consultation/Advertising was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.***

**CONSULTATION/ADVERTISING:**

Plan Nos. 2584-CP-01D, 2584-CP-01F and 2584-CP 01G will be advertised to residents in Lincoln Street, Bulwer Avenue, Cavendish Street south of ~~Harley~~ St Albans Street, and Knebworth Avenue for a period of 14 days.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2006-2011 – 1.1.6 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. “o) *Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.*”

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2008/2009 budget includes \$68,500 for improvements in Lincoln Street (in the vicinity of the Highgate Primary School).

The estimated cost of the works as now proposed is \$130,000.

***\*Note: The following Comments were corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.***

**COMMENTS:**

The Town was requested to investigate parking and traffic improvements along Lincoln Street and Bulwer Avenue outside the Highgate Primary School. The Town's officers developed several possible options which were subsequently discussed with the school.

The preferred proposal is outlined on attached Plans Nos. 2584-CP-01D, 2584-CP-01F, and 2584-CP-01G.

It is recommended that the Council approve Plan Nos. 2584-CP-01D, 2584-CP-01F and 2584-CP-01G in principle and advertises the proposal to residents in Lincoln Street, Bulwer Avenue, Cavendish Street south of ~~Harley~~ St Albans Street and Knebworth Avenue, for public comments for a period of 14 days and receives a further report at the conclusion of the community consultation.

**9.2.2 Proposed Introduction of an additional ACROD Parking Bay in Richmond Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	18 February 2009
<b>Precinct:</b>	Leederville Precinct (P3)	<b>File Ref:</b>	PKG0079
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	T Blankenburg		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the proposed introduction of an additional ACROD Parking Bay adjacent to the Disability Programs Building at Leederville TAFE, Richmond Street;*
- (ii) *APPROVES the introduction of one (1) additional ACROD parking bay at an approximate cost of \$300;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *ADVISES the applicant of the Council's decision.*

**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council's approval for the introduction of an additional ACROD parking bay in the existing angle parking bays in Richmond Street, adjacent to the Leederville TAFE's Disability Programs building.

**BACKGROUND:**

The Council has, in the past, approved the introduction of ACROD parking bays on roads where there has been demonstrated need.

**DETAILS:**

A request has been received from the Co-ordinator of the Disability Programs at the Leederville TAFE for the Town to consider turning one of the existing parking bays in Richmond Street into an additional ACROD parking bay to cater for the use of students with disabilities to access the TAFE facilities.

An excerpt of the applicant's letter reads:

*“There is currently only 1 ACROD bay outside Disability Programs, Leederville TAFE, which has become inadequate to our requirement in 2009 as we have begun a new course which will increase the number of students with mobility problems requiring access to E block”*

The section of Richmond Street between Oxford and Loftus Streets has approximately 90 angled parking bays. Along this section there are two (2) ACROD parking bays, one (1) in front of the main TAFE entrance and one (1) near the Disability Program building.

The existing car parking bay next to the existing ACROD parking bay servicing the Disability Program building has been identified as a suitable candidate to serve as the new ACROD bay. It is therefore proposed that an ACROD parking bay be installed immediately adjacent to the existing ACROD bay.

Should the Council approve the installation of the ACROD bay, the bay would be available for use by any holder of an ACROD permit, however, it would be of particular benefit to students with disabilities to access the TAFE facilities to attend courses.

**CONSULTATION/ADVERTISING:**

There is no requirement to consult regarding the installation of ACROD bays.

**LEGAL/POLICY:**

There is no legal impediment to the introduction of the ACROD bay. A two (2) week moratorium from infringement will be in place following the installation of the ACROD bay.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *“(p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes - parking facilities that are appropriate to public needs;”*

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of the ACROD bay would be approximately \$300.00.

**COMMENTS:**

The applicant has requested the Town install an additional ACROD bay in Richmond Street to enhance the access of disabled students to the TAFE facility.

**9.2.4 LATE ITEM: Town of Vincent Participation in EARTH HOUR 2009**

<b>Ward:</b>	Both	<b>Date:</b>	9 March 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0106/PLA0175
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on Earth Hour 2009;
- (ii) **APPROVES** of the Town’s participation in Earth Hour 2009; and
- (iii) **AUTHORISES** the Chief Executive Officer to;
  - (a) register the Town of Vincent as an official participant in Earth Hour 2009;
  - (b) arrange to turn off all non-essential lights on Town owned and directly controlled properties (wherever practicable) during Earth Hour 2009 (Saturday 28 March 2009 (8.30pm-9.30pm)); and
  - (c) promote Earth Hour 2009 to the lessee/occupiers of Town owned properties and the Vincent Community via newspaper advertisements, displaying posters at all of the Town’s facilities and through the Town’s web site.

**COUNCIL DECISION ITEM 9.2.4**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of Earth Hour 2009 and for the Council to authorise the Chief Executive Officer to participate in and promote the initiative.

**BACKGROUND:**

Earth Hour began in Sydney in 2007, when 2.2 million homes and businesses switched off their lights for one hour. In 2008 the message had grown into a global sustainability movement, with 50 million people switching off their lights. Global landmarks such as the Golden Gate Bridge in San Francisco, Rome’s Colosseum, the Sydney Opera House and the Coca Cola billboard in Times Square all stood in darkness for the one (1) hour.

**DETAILS:**

The “Earth Hour” Australia Project Assistant recently contacted the Town as follows:

*As you may be aware, Earth Hour is again happening in Western Australia and around the world in 2009 and it would be great to have Vincent Town Council take part .Climate change is the most significant threat to life on Earth. The Earth Hour act of turning off lights is a symbolic statement that proves individuals can make a difference and reduce their carbon footprint.*

*Originating in Australia, Earth Hour has become a global movement and in 2009 WWF aims to reach 1 billion people in 1,000 cities. If successful it will be the world's largest community event.*

*By supporting Earth Hour, Councils are showing that they are dedicated to climate change solutions. Earth Hour can provide your council with a platform for community engagement and an opportunity to highlight your environmental initiatives to your employees, residents and businesses.*

*Official commitment to Earth Hour involves, at the minimum, a public commitment to turn off all non-essential lights on Council properties during Earth Hour 2009. For those Councils who want to do more, there are many ways to engage your communities.*

*If you would like to take part in Earth Hour 2009 please sign up at [www.earthhour.org](http://www.earthhour.org) and also let me know so I can add you to our list of participating councils.*

### **Earth Hour Saturday 28 March 2009 8.30 to 9.30 pm**

For 2009 Earth Hour, people of all ages, nationalities, race and background have the opportunity to use their light switch as their “vote” – Switching off lights is a vote for Earth, or leaving them on is a vote for global warming.

People are being urged to VOTE EARTH and reach the target of 1 billion votes, which will be presented to world leaders at the Global Climate Change Conference in Copenhagen 2009. This meeting will determine official government policies to take action against global warming, which will replace the Kyoto Protocol. It is the chance for the people of the world to make their voice heard.

### **Town Properties**

The Town will participate in this initiative by switching off lights during Earth Hour at all Council owned and directly controlled/occupied properties e.g. Administration and Civic Centre, Library and Local History Centre, Beatty Park Leisure Centre.

The lessee/occupiers of Council properties will also be notified and encouraged to participate.

### **CONSULTATION/ADVERTISING:**

Earth Hour 2009 will be promoted to the Vincent Community via newspaper advertisements, displaying posters at all of the Town’s facilities and through the Town’s web site.

### **LEGAL/POLICY:**

N/A

### **STRATEGIC IMPLICATIONS**

The Town’s Sustainable Environment Plan 2007-2012, Key Result Area – “Energy”, has a number of initiatives.

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. “(k) Prepare, implement and promote the Sustainable Environment Plan.”

**SUSTAINABILITY IMPLICATIONS:**

Over consumption is a common part of today's society and is readily accepted by the community. Excessive energy consumption results in higher carbon emissions and a waste of resources to produce the energy required. With the rise in awareness of Global Warming, it has become apparent that energy consumption can no longer be sustained at current levels.

**FINANCIAL/BUDGET IMPLICATIONS:**

Advertising costs will be met as part of normal operating Budgets. Employees costs will also be met from operating Budgets.

**COMMENTS:**

In 2009, Earth Hour is being taken to the next level, with the goal of 1 billion people switching off their lights as part of a global vote. VOTE EARTH is a global call to action for every individual, every business, and every community. Over 74 countries and territories have pledged their support to VOTE EARTH during Earth Hour 2009, and this number is growing everyday.

**9.4.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the month of February 2009.*

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (9-0)**

**BACKGROUND:**

The Chief Executive Officer is responsible for the day-to-day management of the Town and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The Town of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the Town of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

The Common Seal of the Town of Vincent has been affixed to the following documents:

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
04/02/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: ANZ Meeting - 5 February 2009 (Gareth Naven Room)
04/02/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Main Roads Meeting - 6 February 2009 (Gareth Naven Room)

Date	Document	No of copies	Details
04/02/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Western Power Meeting - 11 February 2009 (Gareth Naven Room)
04/02/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Pharmaceutical Council of WA - 24, 25 and 26 February 2009 (Members Equity Bank Lounge, Gareth Naven, Suites 1-12)
10/02/09	Deed of Covenant	3	Town of Vincent and Miraudo Nominees Pty Ltd of 87 Bateman Road, Mount Pleasant re: No. 448 (Lot 352 D/P: 32224) Beaufort St, Highgate - Proposed Change of Use from Showroom to Eating House and replacement of existing Awning - <i>To satisfy conditional approval at Ordinary Meeting of Council held on 8 July 2008, including "undertaking to ensure all vehicular access (entry/exit) to the subject sites at No. 448 Beaufort Street, Highgate through Nos. 442-446 Beaufort Street, Highgate is legally and continually secured, to the satisfaction of the Town. All costs associated with this condition shall be borne by the applicant/owner(s)."</i>
16/02/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Main Roads Meeting - 16 February 2009 (Gareth Naven Room)
19/02/09	Transfer of Land	1	Town of Vincent and Perpetual Trustee WA Ltd of Angel Place, 123 Pitt Street, Sydney, NSW (undertaking of Western Australian Trustees Ltd vested pursuant to Section 5 of the Western Australian Trustees Ltd (Merger) Act 1989) formerly known as the Western Australian Trustee Executor and Agency Company Ltd as executor of the Will of William Magill Robbins (deceased) re: Lot 66 (Right of Way) on Diagram 2730 (off Bulwer Street) - <i>Easement rights burdening the said land pursuant to Section 167A of the Transfer of Land Act 1893 (Purchase of Right of Way)</i>
23/02/09	Notification under Section 70A of the Transfer of Land Act	1	Town of Vincent and A J & D F Burns of 48 Farmer Street, North Perth; Hawkesdale Nominees Pty Ltd of 6 Acer Glen; Duncraig, R G & S I Campbell Nominees Pty Ltd of PO Box 8110, South Perth; R V & M Smith of 34 Somerton Road, Karrinyup; Hepera Pty Ltd of 15 Blake St, North Perth; Sounar Pty Ltd of 25 Franklin St, Leederville; Top Nominees Pty Ltd of PO Box 475, West Perth and Cloud Holdings Pty Ltd of PO Box 345, Cottesloe re: Nos 81-85 Walcott St, cnr Raglan Rd, Mount Lawley - Demolition of Existing Vehicle Sales Premises and construction of a three-storey mixed use development comprising twenty-one multiple dwellings, four shops, one eating house, two offices and associated car parking - <i>As per conditional approval of Ordinary Meeting of Council held on 6/12/05.</i>
24/02/09	Notification under Section 70A of the Transfer of Land Act	2	Town of Vincent and F & C Ferrone of 142 Chelmsford Road, North Perth re: No. 142 (Lot 47) Chelmsford Road, North Perth - <i>To satisfy Condition (iv) of Conditional Planning Approval for Partial Demolition of and Ancillary Accommodation addition to existing Single House, granted under Delegated Authority on 25/11/08.</i>

Date	Document	No of copies	Details
24/02/09	Deed of Licence	2	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and South Sydney District Rugby League Football Club of 104 George Street, Redfern NSW 2016 re: South Sydney District Rugby League Football Club Events and Functions - including fixtures, training, captain's runs and media conferences - Term commencing on 5 February 2009 and terminating on 31 August 2009, with option from 1 September 2009 and terminating on 31 August 2011 (Stadium)
25/02/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Football West Ltd of PO Box 214, Maylands WA 6931 re: Stratco Cup - 7 March 2009 (Stadium)
27/02/09	Deed of Restrictive Covenant	2	Town of Vincent and J A Sabatino as Administrator of the Estate of the late B Higgins of 29 Padilla Way, Iluka re: No. 12 Hutt Street, corner Grosvenor Road, Mount Lawley - <i>To satisfy Condition No. 13 of Western Australian Planning Commission (WAPC) conditional subdivision approval for Survey Strata Subdivision, granted on 25/09/06 - "A Restrictive Covenant ... is to be placed on the Certificate of Title of proposed Lot 2 advising that no new development shall occur within 0.49 metres of the right of way abutting the east of proposed Lot 2 to accommodate widening of the right of way should it be required in the future..."</i> .

**9.4.2 Local Government Statutory Compliance Audit 2008**

<b>Ward:</b>	-	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0019
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ADOPTS the Local Government Statutory Compliance Audit for 2008, as shown in Appendix 9.4.2 and this be forwarded to the Department of Local Government and Regional Development.*

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**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

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**PURPOSE OF REPORT:**

The purpose of this report is for the Council to consider and approve of the Local Government Statutory Compliance Audit 2008.

**BACKGROUND:**

The Department of Local Government and Regional Development has issued a “*Local Government Statutory Compliance Audit*” to all Local Governments throughout Western Australia. This return requires the Chief Executive Officer and Mayor to certify that the statutory obligations of the Local Government have been complied with. The Chief Executive Officer may delegate to a responsible person to complete part of the Return.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

The completion of the Statutory Compliance Return is compulsory, in accordance with Section 7.13(1) of the Local Government Act 1995 and Local Government (Audit) Regulations (Regulation 13). A copy has been included in the Agenda, as an attachment to this report.

The Town has an Audit Committee. The Committee, comprising the Mayor, Cr Burns, Cr Farrell, A. Macri and S Menon (Auditors), with the Chief Executive Officer and Director Corporate Services (ex officio and non-voting) met on 27 February 2009 to review this Audit.

**STRATEGIC IMPLICATIONS:**

The Town's Strategic Plan 2006-2011 lists the following objectives;

"4.1.2 *Manage the organisation in a responsible, efficient and accountable manner;*" and

"4.1.4 *Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.*"

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town of Vincent has complied with all statutory compliance provisions and accordingly it is recommended to the Council that the Local Government Statutory Compliance Audit 2008 be adopted and forwarded to the Department of Local Government and Regional Development.

**9.4.3 Audit Committee – Receiving of Unconfirmed Minutes –  
27 February 2009**

<b>Ward:</b>	-	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0106
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Rootsey, John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Audit Committee Unconfirmed Minutes dated 27 February 2009, as shown in Appendix 9.4.3.*

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 27 February 2009.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 August 2003, the Council considered the matter of its Audit Committee and resolved inter alia as follows;

*"That the Council;*

- (i) *APPROVES of amending the Audit Committee Terms of Reference to be as follows;*
  - (a) *the process of selecting the Auditor;*
  - (b) *recommending to Council on the Auditor;*
  - (c) *managing the Audit Process;*
  - (d) *monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
  - (e) *submitting an Annual Report on the audit function to the Council and the Department of Local Government; and*
  - (f) *consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
  - (g) *to oversee Risk Management and Accountability considerations; and*
  - (h) *to oversee Internal Audit/Accountability functions;"*

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

The Local Government Act (Financial Management) Regulations 1996, Regulations 5 and 6 prescribe the duties of the CEO in respect to financial management and independent performance reviews (including internal and external Audits).

**STRATEGIC IMPLICATIONS:**

The Town's Strategic Plan 2006-2011 lists the following objectives;

"4.1.2 *Manage the organisation in a responsible, efficient and accountable manner;*" and

"4.1.4 *Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.*"

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**COMMENT:**

The reporting of the Town's internal Audit Committee minutes to the Council Meeting is considered "best practice" and in keeping with the Audit Charter.

**9.4.4 Town of Vincent Plan for the Future - Adoption of Draft for Community Consultation**

<b>Ward:</b>	Both	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0038
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the review of the Town of Vincent Plan for the Future 2009-2014;*
- (ii) *ADOPTS IN PRINCIPLE the draft Town of Vincent Strategic Plan 2009-2014, as shown in Appendix 9.4.4;*
- (iii) *ADVERTISES the draft document for a period of six (6) weeks in March/April 2009; and*
- (iv) *NOTES that a further report will be submitted to the Council at the end of the statutory consultation period to consider submissions and adopt the Plan for the Future.*

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**COUNCIL DECISION ITEM 9.4.4**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (9-0)**

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**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council of the statutory need to review the Town of Vincent Plan for the Future and approve of the draft document for community consultation.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 16 December 2008, the Council considered this matter and resolved as follows;

*"That the Council;*

- (i) *RECEIVES the report on the review of the Town of Vincent Plan for the Future;*
- (ii) *APPROVES of the following process for the review of the Plan for the Future:*
  - 1. *the draft Town of Vincent Strategic Plan 2009-2014, as shown in Appendix 9.4.1, to be used as a basis of the draft document, subject to clause 1.1.4(c) of the Plan for the Future be amended to read "2009-2011";*

2. *the Chief Executive Officer, Directors and Town Managers/key Officers to further review the draft document from December 2008 – January 2009;*
  3. *Council Members to submit their comments to the Chief Executive Officer by 31 January 2009;*
  4. *a workshop/Forum with Council Members and Town Senior Officers be conducted in February 2009 to further consider and refine the draft document;*
  5. *report to Council in March 2009 to Adopt in Principle the Draft Plan for the Future 2009-2014;*
  6. *draft document to be advertised for a period of six (6) weeks in March/April 2009;*
  7. *the Council to consider submissions and adopt the Plan for the Future in May 2009; and*
  8. *the draft document to be placed on the Town's website and copies provided at the Administration Centre and in the Town's Library and Local History Centre; and*
- (iii) *NOTES that further reports will be submitted to the Council in early 2009, after the completion of the review and after the public consultation has been carried out."*

The Draft document was considered by the Town's Directors and Managers, during January 2009, whereby further refinement was carried out. Council Members were invited to submit comments by 31 January 2009. (One Councillor submitted comments.)

A Workshop with Council Members, the Chief Executive Officer and Directors was held on Wednesday 25 February 2009 to discuss and consider the draft document. As a result of the workshop, three (3) Councillors submitted further comments.

The revised Draft document includes the comments made at the Workshop (and thereafter) and changes are shown by underlining and strike-through.

The Local Government Act 1995 requires each Council to prepare a Plan for the Future (the Plan). The Plan must cover a minimum period of at least 2 years and be reviewed every two years. The current Plan was adopted at the Ordinary Meeting of Council held on 21 November 2006 and was developed for five years, which corresponds with the current terms of the Strategic Plan and Corporate Priorities.

### **Plan for the Future**

In 2003 the State Department of Local Government and Regional Development undertook a major review of the Local Government Act 1995 and associated regulations, and removed the requirement for Principal Activity planning.

The Local Government Act amendments were proclaimed on 31 March 2005. Section 42 amended the Act to remove the requirements for principal activity planning. Sections 5.56, 5.57 and 5.58 were repealed and in their place, a new section 5.56 was included which provided a more general obligation of "*plan for the future*". The new Section states:

*"Section 5.56 – Planning for the future*

- (1) *A local government is to plan for the future of the district.*

- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

*The regulations require local government to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years) and state that:*

- *A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.”*

The Act and regulations do not prescribe the format of the Plan for the Future – this is the prerogative of each local government.

The Act requires the Plan for the Future to cover a minimum period of at least two (2) financial years. Consultation is required with electors, ratepayers and residents. In this regard, the draft document will be advertised for community consultation and will be provided to all Community/Precinct Groups. Submissions and feedback from the community is to be considered and where appropriate, included into the Plan.

### **Plan for the Future**

The Plan for the Future is designed to assist the Council, Administration and the community to understand the broad directions the Town will be taking in the future.

The Town’s draft Plan for the Future document consists of the following:

1. **Strategic Plan 2009-2014 (Appendix 9.4.1)**

The Strategic Plan contains the:

- Purpose

The purpose defines the business of the Town. It is:

*“To provide and facilitate services for a safe, healthy and sustainable community.”*

Chief Executive Officer’s Comments:

No change is proposed. The Purpose is still considered relevant and appropriate.

- Vision

The Vision is what we are striving to become. The Town’s vision is:

*“A sustainable and caring community built with vibrancy and diversity.”*

Chief Executive Officer’s Comments:

No change is proposed. The Vision is still relevant and most appropriate.

- Guiding Values

The Guiding Values are those that describe how we want to operate. These values are:

- Honesty and Integrity
- Excellence and Service
- Innovation and Diversity
- Caring and Empathy
- Teamwork and Commitment

Chief Executive Officer's Comments:

No changes are proposed. The Guiding Values are still considered relevant.

- Strategic Objectives

The Strategic Plan has identified the following Key Objectives:

1. Natural and Built Environment

- Improve and maintain the natural and built environment and infrastructure.

2. Economic Development

- Progress economic development with adequate financial resources.

3. Community Development

- Enhance community development and wellbeing.

4. Leadership, Governance and Management

- Ensure good strategic decision-making, governance, leadership and professional management; supported by a positive and desirable workplace with technology for business improvement.

Chief Executive Officer's Comments:

No change is proposed. The Objectives are still relevant.

- Key Result Actions (KRAs) – these prescribe the various items to be carried out

The Strategic Plan has identified a number of Key Actions and these are reviewed and updated where necessary.

The Strategic Plan also links other strategic Town documents including:

- Town Planning Scheme No 1 (and No 2 – when adopted)
- Economic Development Strategy
- Vincent Vision 2024
- Residential Design Elements Policy
- Sustainable Environment Plan

2. Strategic Asset Management Plan 2009-2019

Asset management planning is a significant component of the Plan for the Future. A major part of the Town's activities revolve around the management of its assets to ensure that they remain appropriate to community requirements both now and in the future.

The Town is still undertaking a detailed analysis of the existing asset base to determine the projected rate of expenditure required to maintain the Town's assets (buildings, roads, footpaths, major plant, bores etc) to ensure meaningful and effective levels of service for each asset over its entire life cycle. This detailed analysis will provide information on the required asset investment and these requirements will be reflected in the Strategic Financial Plan and Strategic Asset Management Plan, which will initially cover a ten (10) year period (and in some cases longer e.g. 20-40 years). This work is carried out in conjunction with information provided by WALGA.

It is anticipated that this plan will be finalised during 2009.

3. Strategic Financial Plan 2009-2019

The Strategic Financial Plan is a significant component of the Plan for the Future and provides a broad strategic overview of the major projects and programs that the Town will be undertaking over the next ten (10) years, links the Town's financial capacity with the strategic direction detailed in the Town's Strategic Plan 2009 – 2014 and allocates indicative sums of money to potential projects to ascertain whether the Town has the capacity to fund them when required. In some instances, it will also attempt to make long term financial projections (20 years and longer).

This document will be reviewed and updated as part of this process, to reflect the changes over the previous years and anticipated future revenue.

4. Annual Plan

The Annual Plan is the result of Corporate items and priorities identified by the Town's Executive Management Team (comprising Chief Executive Officer, Directors - Corporate Services, Technical Services and Development Services) together with the annual strategic priorities identified by the Council Members. These priorities are matters which are considered in the process leading up to the preparation of the Annual Budget. The items/priorities take cognisance of:

- financial capacity to deliver;
- operational impact on the program or service;
- seasonal requirements;
- workforce workload (leave periods, public holidays etc).

The items/priorities are then considered for inclusion in the Annual Budget.

Following adoption of the Annual Budget, the Council adopts a Priority Program for implementation of the key project, programs and services. This Annual Plan replaces the previous "Capital Works Program" following the adoption of the Annual Budget.

The Annual Plan also contains more precise detail about Capital Works Programs (e.g. ROW Upgrade Program, Footpath Upgrade Programme etc). A quarterly report is submitted to the Council, detailing progress with the adopted timeline and project budget.

5. Annual Budget

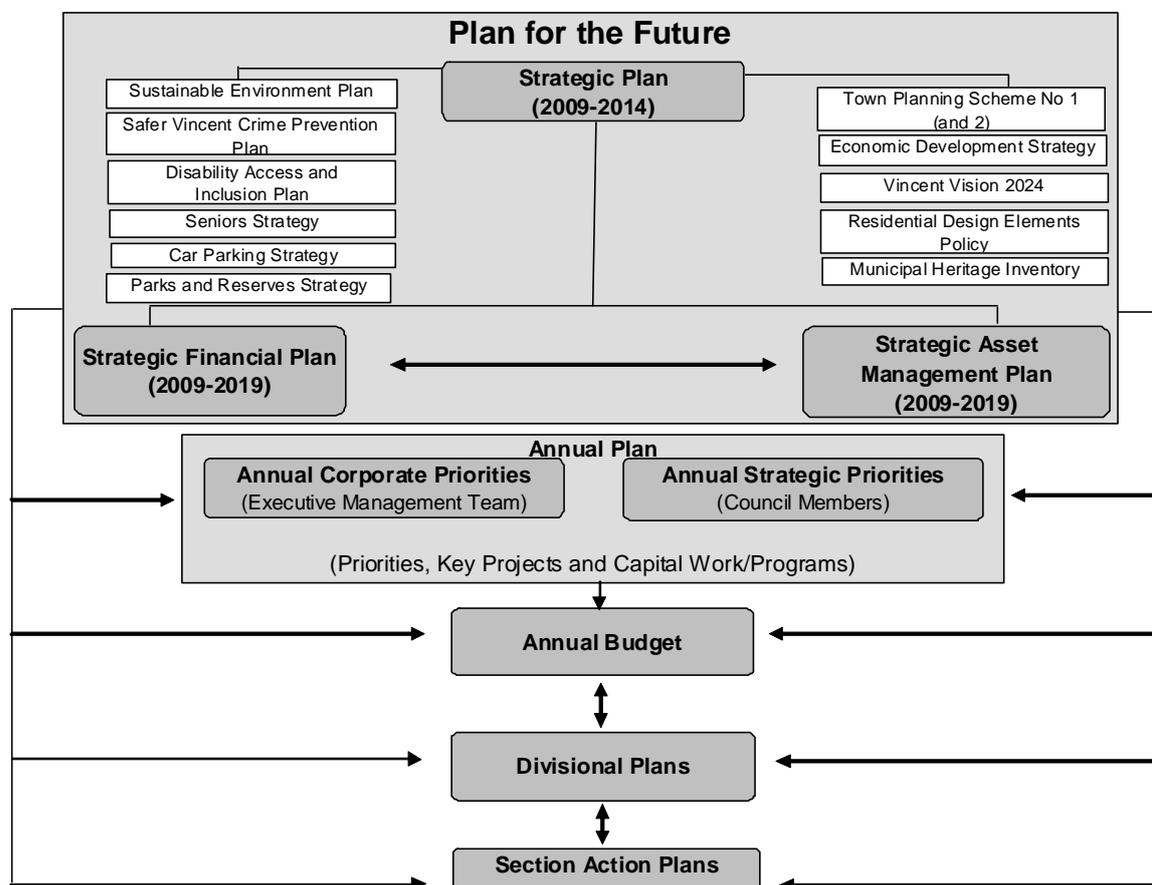
The Annual Budget document remains unchanged and contains the activities, capital works and projects and income and expenditure statements which are to be carried out in the financial year. The Budget contains the financial details in considerable detail, including a brief description of projects, programs and services. A monthly report details of expenditure and any variances of 10% and more.

6. Divisional and Section Plans

These are operational annual plans which are prepared by the Directors and Section Managers and contain the operational details on how the Budget and Capital Works/Programmes are implemented.

7. The Process

The following diagram illustrates the process undertaken to formulate the various plans and documents and how they inter-relate with each other.



**CONSULTATION/ADVERTISING:**

The Local Government Act requires the Plan for the Future to be the subject of consultation with the electors and ratepayers.

The Plan is to contain a description of the involvement by the electors and ratepayers in the development of the Plan.

The following review process was approved at the Ordinary Meeting of Council held on 16 December 2008:

1. Draft Town of Vincent Strategic Plan 2009-2014, as shown in Appendix 9.4.1, be used as a basis of the draft document - **Completed.**
2. Chief Executive Officer, Directors and Town Managers/key Officers to further review the draft document from December 2008 – January 2009 - **Completed.**
3. Council Members to provide feedback/comments on the draft document by 31 January 2009 - **Completed.**
4. Workshop/Forum with Council Members and Town Senior Officers be conducted in February 2009 to further consider and refine the draft document - **Completed.**
5. Report to Council in March 2009 to Adopt in Principle the Draft Plan for the Future 2009-2014 - **Completed.**
6. Draft document to be advertised for a period of six (6) weeks in March/April 2009;
7. The Council to consider submissions and adopt the Plan for the Future in May 2009; and
8. The Draft document to be placed on the Town's website and copies provided at the Administration Centre and in the Town's Library and Local History Centre.

#### **LEGAL/POLICY:**

It is a legal requirement for each local government to have a Plan for the Future.

The Council has previously resolved that the Plan for the Future will consist of the Strategic Plan and Associated Plans, Strategic Policies and other documents as outlined in this report. No change to this is recommended (other than updating – where required).

The Local Government Act and regulations do not prescribe the format for the required Plan for the Future. The Town's Plan for the Future will continue to be a combination of various plans, such as Strategic Plan, long term financial plans etc.

1. The Local Government Act (section 5.56) states as follows:

*“Local Government Act 1995*

*5.56 Planning for the future*

- (1) A local government is to plan for the future of the district.*
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

It requires each local authority to prepare a Plan for the Future in respect of each financial year after the financial year ending 30 June 2006. The Plan must cover a minimum period of at least two years.

2. Consultation is required with electors and ratepayers during the development of the Council's future Plan and any review (or modification) of such Plan.

3. The specific matters that the Local Government (Administration) Regulations require to be included in the future Plan are set out in Regulation 19C which reads as follows:

*“Regulation 19C*

- (a) *In this regulation and regulation 19D:*

*‘Plan for the future’ means a Plan made under Section 5.56.*

- (b) *A local government is to make a Plan for the future of its district in respect of the period specified in the Plan (being at least 2 financial years).*

- (c) *A Plan for the future of a district is to set out the broad objectives of the local government for the period specified in the Plan.*

- (d) *A local government is to review its current Plan for the future of its district every 2 years and may modify the Plan, including extending the period the Plan is made in respect of.*

- (e) *A Council is to consider a Plan, or modifications, submitted to it and is to determine\* whether or not to adopt the Plan, or the modifications, as is relevant.*

*\*Absolute majority required*

- (f) *If a Plan, or modified Plan, is adopted by the Council then the Plan or modified Plan is to apply to the district for the period of time specified in the Plan.*

- (g) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a Plan for the future of the district, and when preparing any modifications of a Plan.*

- (h) *A Plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the Plan, and any modifications to the Plan.*

- (i) *A local government is to ensure that a Plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.*

4. Regulation 19D sets out requirements for given public notice of the Council’s future Plan.

**STRATEGIC IMPLICATIONS:**

Progress reports on the Strategic Plan are reported to Council for each quarter as follows:

<b>Period</b>	<b>Report to Council</b>
1 January - 31 March	April
1 April - 30 June	July
1 July - 30 September	October
1 October - 31 December	February

The quarterly progress reports will continue to be provided and will also include quarterly reports on the Annual Plan (previously the Capital Works Program). The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the next five (5) years.

**FINANCIAL/BUDGET IMPLICATIONS:**

No specific funds are contained in the Budget 2006-09 for the Review of the Plan for the Future. Sufficient funds are contained in the Town's Operating Budget for this matter.

Funding implications for the new/revised KRAs will be provided as more information becomes available.

**SUSTAINABILITY IMPLICATIONS**

The Council's Plan for the Future is probably one of the most important documents for the Town. It details the future direction of the Town of Vincent and details how and when matters will be carried.

**COMMENTS:**

The Council's Plan will provide the direction for the Elected Council and the Town's administration for the future. It will also provide information to the electors and ratepayers on the broad direction the Town will be taking in the future. Accordingly, it is appropriate that the process involve community consultation.

The current Draft document has been updated and revised, in accordance with the approved review process.

The Chief Executive Officer therefore recommends the Council approve of the Officer Recommendation.

**9.4.5 Loftus Recreation Centre Management Committee – Receiving Of Unconfirmed Minutes**

<b>Ward:</b>	North	<b>Date:</b>	27 February 2009
<b>Precinct:</b>	Leederville	<b>File Ref:</b>	TEN0390
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M. Rootsey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee Meeting held on 19 February 2009, as shown in Appendix 9.4.5.*

**COUNCIL DECISION ITEM 9.4.5**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Recreation Centre Management Committee meeting held on the 19 February 2009.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 19 December 2006, the Council approved of a Management Committee for the Loftus Recreation Centre, as follows;

*“That the Council APPROVES BY AN ABSOLUTE MAJORITY;*

- (i) pursuant to Section 5.9(2)(c) of the Local Government Act 1995, to establish a Committee to supervise the Loftus Recreation Centre, 99 Loftus Street, Leederville;*
- (ii) in accordance with the Deed of Contract between the Town and Belgravia Leisure Pty Ltd, to APPOINT the Chief Executive Officer and Executive Manager Corporate Services, with the Manager Community Development as Deputy to both, to the Committee; and*
- (iii) to delegate the following functions to the Committee;*
  - (a) to supervise the performance of the Services by the Contractor and to ensure that the Contractor performs the Services in accordance with the KPIs and the Contract;*
  - (b) to establish and review the Key Performance Indicators (KPIs) in conjunction with the Contractor;*
  - (c) to receive and consider Performance Reports;*

(d) *to advise the Town on Capital Improvements required for the Recreation Centre and the Premises and to make recommendations to the Town about the use of the Reserve Fund; and*

(e) *to review the Risk Management Plan for the Premises."*

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

It is the Town's practice that Committee Meeting Minutes be reported to the Council.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2006-2011 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner.*"

**SUSTAINABILITY IMPLICATION:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A

**COMMENT:**

The reporting of the Town's Committee Minutes to the Council Meeting is in keeping with the Local Government Act 1995 and its regulations.

**9.4.6 The 16<sup>th</sup> Telstra Australasian Oceania Swimming Professionals Convention & Trade Expo**

<b>Ward:</b>	-	<b>Date:</b>	27 February 2009
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0031
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	D Morrissy M Rootsey		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council AUTHORISES the Swim School Coordinator Beatty Park Leisure Centre (Ms B. Christmass), to attend the 16th Telstra Australasian Oceania Swimming Professionals Convention & Trade Expo, to be held at the Gold Coast Broadbeach Queensland from 28 April to 5 May,2009 at an estimated cost of \$2,095.*

**COUNCIL DECISION ITEM 9.4.6**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval for the Swim School Coordinator Beatty Park Leisure Centre to attend 16th Telstra Australasian - Oceania Swimming Professionals Convention & Trade Expo to promote the Angelfish programme for Beatty Park Leisure Centre on a National and International stage.

**BACKGROUND:**

The 16<sup>th</sup> Telstra Australasian Oceania Swimming Professional Convention & Trade Expo will be held on the Gold Coast Broadbeach Queensland from 28 April to 5 May 2009.

**DETAILS:**

In July 2008 Beatty Park Leisure Centre Swim School was successful in obtaining an "Expanding Physical Activity Opportunities for People with Disabilities Grant" from Healthway to the value of \$36,075. The grant was used to setup the Angelfish programme at Beatty Park Leisure Centre.

The Angelfish Programme accommodates students with disabilities from six months of age through to adults with the focus on integration into mainstream classes.

Initially tuition is offered on a 1:1 or 1:2 ratio. The instructor then assesses readiness for participation in a mainstream class. Integration is achieved gradually with the assistance of the student's personal instructor who remains with the student throughout this process.

With the assistance of Healthway funding, these classes are offered at a subsidised rate.

"Over fifty Angelfish are currently enrolled in the programme and are thoroughly enjoying their classes. Whilst learning essential swimming skills, they are also having fun making friends and interacting with their peers.

Beatty Park Swim School has several fully-trained special needs teachers and has appointed an Angelfish Co-ordinator to liaise with parents and health professionals.

Beatty Park Leisure Centre is one of the largest aquatic centres in Western Australia and has accessibility for the physically impaired as well as a variety of aquatic environments to suit everyone. The classes cater for all disabilities and the Swim School has a large selection of equipment and resources available.

This project is supported by Healthway, the Premier's Physical Activity Taskforce and the Disability Services Commission

A great deal of interest has been shown from other Leisure facilities in the program and was given an extremely positive mention at the State launch of the Captivate Inclusion Toolkit in 2008 by WALGA and its partners.

Beatty Park Leisure Centre Swim School is an endorsed Swim Australia swim school and the Swim School Coordinator, Bev Christmass, has been invited to present at the upcoming 16th Telstra Australasian - Oceania Swimming Professionals Convention & Trade Expo on the topic of "Integrating Disabilities in our program".

The Conference brings together managers, coaches, teachers, students from right across the swimming industry and runs from the 28th April until the 5th May (all sessions - many are optional depending on preferences). Quality speakers from Australia and Overseas as well as excellent representation by peak bodies in the swimming industry have been the key to the success of these conferences in the past.

It is considered beneficial for Beatty Park Leisure Centre and the Town of Vincent, to promote the Angelfish programme for Beatty Park Leisure Centre on a National and International stage.

It is intended that the Swim School Coordinator (Ms Bev Christmass) will present her topic and attend the rest of the Conference and trade expo to maximise the benefit available from this opportunity to view what happens in the industry on a national level and network with industry peers.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL POLICY:**

Council's Policy 4.1.15 – "*Conferences & Training - Attendance, Representation, Travel & Accommodation Expenses and Related Matters*" - Clause 1.1(i) and (ii) states;

- "(i) *When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend;*
- "(ii) *In certain circumstances (for example where the Conference is of a technical nature) and where an Elected Member is not attending the CEO may recommend that two (2) officers attend, in lieu of the Elected Member. In this instance, the CEO will specify reasons in the report to the Council.*"

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011 – Objective 4.2 – “ *Provide a positive and desirable workplace .”* in particular 4.2 4(b) – “*Enhance employee empowerment, professional development and job satisfaction and create a workplace that encourages and rewards innovation implements best practice and positions the Town as an Employer of Choice.*”

**SUSTAINABILITY IMPLICATIONS:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

	<b>Economy Class</b>
Airfare* return Gold Coast( <i>Economy Class</i> )	700.00
Hotel Accommodation (5 nights on Gold Coast@ \$229 per night)	1,145.00
Daily Allowance/Expenses 5 days	450.00
**Conference fees (No charge for presenter)	0.00
Remuneration for presentation	- 200.00
	<hr/> <b>\$2,095.00</b> <hr/>

\* subject to confirmation

\*\* the conference fee of \$620.00 has been waived for presenters.

**COMMENTS:**

There are many benefits to be gained by presenting a unique program such as the Angelfish one on a National and International stage. Not only will it raise the profile of Beatty Park Leisure Centre and the Town of Vincent throughout the industry, but it will provide a catalyst for future programmes and allow for networking at a much higher level by attending staff.

It is requested that approval be granted for the Swim School Coordinator Beatty Park Leisure Centre (Ms Bev Christmass) to attend the Conference and present the Angelfish programme.

**9.4.7 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Radici		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 10 March 2009, as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 9.4.7**

**Moved Cr Ker, Seconded Cr Maier**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (9-0)**

**DETAILS:**

The items included in the Information Bulletin dated 10 March 2009 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter of appreciation from Mr Rod Smoker in regards to the listing of the property at 590 Newcastle Street, West Perth onto the Town’s Municipal Heritage Inventory
IB02	Letter from Western Australian Planning Commission (WAPC) advising that the Minister for Planning and Infrastructure has granted final approval to the Town Planning Scheme No. 1, Amendment No. 27
IB03	Letter from the City of Stirling regarding proposal to Underground Power to Walcott Street
IB04	Safer Vincent Crime Prevention Partnership (SVCPP) Minutes of Meeting held on 10 December 2008
IB05	Register of Petitions - Progress Report - March 2009
IB06	Register of Notices of Motion - Progress Report - March 2009
IB07	Register of Reports to be Actioned - Progress Report - March 2009
IB08	Register of Legal Action - Progress Report - March 2009
IB09	Register of State Administrative Tribunal Appeals - Progress Report – February 2009
IB10	Forum Advice - 17 March 2009
IB11	Report on the Mayor and Chief Executive Officer’s attendance at the Local Government Constitutional Summit - A Special National General Assembly of Local Government 2008 (ADM0031)

**9.1.4 No. 2 (Lot: 78 D/P: 2001) Bramall Street, East Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO4067; 5.2008.359.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone, H Au		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Christopher Senior & Associates on behalf of the owner P Garman for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings, at No. 2 (Lot: 78 D/P: 2001) Bramall Street, East Perth, and as shown on plans stamp-dated 11 February 2009, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) any new street/front wall, fence and gate within the Bramall Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
  - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *first obtaining the consent of the owners of No. 2 Bramall Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 2 Bramall Street in a good and clean condition;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the balcony to the master bedroom on the eastern elevation of proposed Lot A;*
- (b) *the balcony to the master bedroom on the eastern, western and northern elevation of proposed Lot B;*
- (c) *the windows to bedroom 2 on the western elevation of proposed Lot B;*
- being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 4 Bramall Street, Nos. 23, 27 and 29 Joel Terrace and No. 122 East Parade stating no objection to the respective proposed privacy encroachments.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping of the Bramall Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (viii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

- (ix) *the proposed store structure shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only;*
- (x) *no development shall occur within 0.5 metre of the northern and eastern boundary of No. 2 Bramall Street, East Perth as a 0.5 metre wide Right of Way widening is a requirement of the Town; and*
- (xi) *a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matter as detailed in the Town's 'Construction Management Plan Pro Forma' shall be submitted to the Town for approval 14 days prior to the issue of a Building Licence.*

**\*Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED (9-0)**

<b>Landowner:</b>	P Garman
<b>Applicant:</b>	Christopher Senior & Associates
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single Dwelling
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	488 square metres
<b>Access to Right of Way</b>	East side, 4 metres wide, sealed, Town owned, North side, 4 metres wide, unsealed, Town owned.

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves the demolition of the existing single house and the construction of two (2) two-storey grouped dwellings.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density:	2.71 dwellings at R60	2 dwellings	Noted – no variation.

Plot Ratio:	N/A	N/A	Noted – no variation.
Building Setbacks: Proposed Lot A: Ground Floor -West	1.5 metres	Nil – 1.6 metres	Supported – not considered to have an undue impact on the neighbouring property.
Upper Floor -South (Bramall Street) Balcony	1 metre behind the ground floor main building line.	In line with the ground floor main building line.	Supported – see “Comments”.
Main Building  -West	2 metres behind the ground floor main building line.  1.5 metres	In line to 2 metres behind the ground floor main building line.  1.05 metres – 1.6 metres	Supported – not considered to have an undue impact on the neighbouring property.
Proposed Lot B: Ground Floor -West	1.5 metres	Nil – 2.6 metres	Supported – not considered to have an undue impact on the neighbouring property.
Upper Floor -West	1.5 metres	1.3 metres – 2.6 metres	Supported – not considered to have an undue impact on the neighbouring property.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (15.83 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	The proposed boundary walls are compliant with the requirements of the R Codes.	Noted – no variation.
Privacy Setbacks: Proposed Lot A: -Balcony to Master Bedroom on eastern elevation	7.5 metres	6 metres to eastern property.	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied for the balcony to be screened to a minimum height of 1.6 metres.

Proposed Lot B: -Balcony to the Master Bedroom on eastern, northern and western elevation	7.5 metres	6.5 metres to the eastern boundary.  7 metres to the northern boundary.  5.5 metres to the western boundary.	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied for the balcony to be screened to a minimum height of 1.6 metres.
-Windows to bedroom 2 on the western elevation	4.5 metres	2.6 metres to the western property boundary.	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied for the windows to be screened to a minimum height of 1.6 metres.
Support	Nil	Noted.	
Objection (6)	<ul style="list-style-type: none"> <li>• Privacy and overlooking from the rear balconies/decks.</li> <li>• Lack of storage area.</li> <li>• Ground floor and upper floor building setback variations.</li> <li>• Boundary walls.</li> <li>• Building bulk.</li> <li>• Two-storey boundary wall.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported – considered to have an undue impact on the neighbouring properties. Condition applied for the balconies to be screened to a minimum height of 1.6 metres. Further to this, the applicant has deleted the roof garden from the plans.</li> <li>• Supported - the applicant has provided amended plans that now comply with this requirement.</li> <li>• Not supported – the proposed variations are not considered to have an undue impact on the neighbouring property.</li> <li>• Supported in part – the applicant has amended the plans to comply with the buildings on boundary requirements of the R Codes.</li> <li>• Not supported – the proposal is compliant with the density requirements of the R Codes and plot ratio is not applicable in this instance.</li> <li>• Supported in part – the applicant has amended the plans to comply with the buildings on boundary requirements of the R Codes.</li> </ul>	
<b>Other Implications</b>			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	
Sustainability Implications		Nil	

\* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

## **COMMENTS:**

### **Demolition**

The subject dwelling at No. 2 Bramall Street, East Perth was constructed circa 1961 and replaced an earlier weatherboard cottage that was built on the site circa 1902.

The place is a single storey brick and tile dwelling which has a two room frontage with a central hallway. The main section of the roof is gabled with a skillion to the rear.

Further research undertaken supports the information detailed in the Preliminary Heritage Check conducted on 8 August 2007, indicating that the subject place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

### **Street Setbacks**

The required setbacks as set out in the Town's Residential Design Elements Policy are designed to create articulation to the street and to provide an interesting elevation that is free of flush type walls. Whilst the proposal illustrates variations to these minimum setback requirements, the proposal demonstrates a reasonable amount of horizontal articulation that provides interest in the elevations fronting Bramall Street and the right of way. In this instance, the reduced balcony and upper floor setbacks are considered to be supportable.

Further to the above, the immediate Bramall Street streetscape is very diverse with a wide range of building facades within the area. The properties on the direct opposite side of Bramall Street consist of two-storey non-articulated commercial developments, comprising warehouses and offices. These buildings are setback approximately 6 metres from Bramall Street and generally have a small car park in the front setback area. The properties adjacent to the subject development, on the same side of the road, are single storey dwellings that are raised above the natural ground level and have higher ceilings and steeper roof pitches that have an approximate overall height of 6 metres. Properties on the eastern side of the subject site have frontages to Joel Terrace. The southern-most property on the corner of Joel Terrace and Bramall Street and directly adjacent to the subject property, has a reduced side setback to Bramall Street of approximately 1 metre, which significantly contributes to the reduced setbacks along Bramall Street. Whilst the proposed development is two-storey, the proposed wall height of the two dwellings is 5 metres, with an overall height of 7 metres. The proposed setbacks of the subject development reflect the setbacks of other properties facing Bramall Street. Due to this, it is not considered that the street setback variations will have an undue impact on the streetscape, due to the varied nature of the Bramall Street streetscapes.

### **Conclusion**

In light of the above, it is recommended that Council approve the application, subject to standard and appropriate conditions to address the above matters.

**9.1.1 Further Report – No. 241 (Lots: 100 and 101 D/P: 63744) Beaufort Street, Perth - Alterations and Additions to Existing Street/ Front Fence of Existing Single House (Application for Retrospective Approval) - State Administrative Tribunal (SAT) Review Matter No. DR 442 of 2008**

<b>Ward:</b>	South	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	Beaufort ; P13	<b>File Ref:</b>	PRO3344; 5.2008.452.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall, T Woodhouse		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

***FURTHER OFFICER RECOMMENDATION:***

*That the Council;*

- (i) *RECEIVES the report relating to No. 241 (Lots: 100 and 101 D/P: 63744) Beaufort Street, Perth - Alterations and Additions to Existing Street/ Front Fence of Existing Single House (Application for Retrospective Approval) - State Administrative Tribunal (SAT) Review Matter No. DR 442 of 2008; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES, as part of the State Administrative Tribunal Review Matter No. DR 442 of 2008, the application submitted by the owner C M Hobbs for Alterations and Additions to Existing Street/Front Fence of Existing Single House (Application for Retrospective Approval), at No. 241 (Lots: 100 and 101 D/P: 63744) Beaufort Street, Perth and as shown on plans stamp-dated 19 September 2008, for the following reasons:*
  - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *the non-compliance with clause SADC 13 of the Town's Policy No. 3.2.1 relating to Residential Design Elements, which requires the maximum height of the street wall to be 1.8 metres above the adjacent footpath level;*
  - (c) *the street walls and front fences requirements proposed to be varied are as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
  - (d) *the non-compliance with the Town's Policy No. 3.6.1 relating to Heritage Management.*

**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**Cr Doran-Wu departed the Chamber at 6.42pm.**

**Debate ensued.**

**MOTION PUT AND CARRIED (5-3)**

<b><u>For</u></b>	<b><u>Against</u></b>
<b>Mayor Catania</b>	<b>Cr Ker</b>
<b>Cr Burns</b>	<b>Cr Lake</b>
<b>Cr Farrell</b>	<b>Cr Youngman</b>
<b>Cr Maier</b>	
<b>Cr Messina</b>	

**(Cr Doran-Wu was absent from the Chamber and did not vote.)**

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**FURTHER REPORT:**

The Council considered the matter at its Ordinary Meeting held on 24 February 2009 and resolved as follows:

*"That the item be DEFERRED at the request of the applicant."*

Prior to the Ordinary Meeting of Council held on 24 February 2009, the applicant contacted the Town and requested that the matter be deferred as they would not be able to attend the Ordinary Meeting of Council to address the Council during Public Question Time. Subsequently, as outlined above, the application was deferred to enable the applicant to present to the Council at its next Ordinary Meeting.

Since this time, no further changes have been made to the proposal and therefore, the Officer Report and Recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 February 2009.

**"OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to No. 241 (Lots: 100 and 101 D/P: 63744) Beaufort Street, Perth - Alterations and Additions to Existing Street/Front Fence of Existing Single House (Application for Retrospective Approval) - State Administrative Tribunal (SAT) Review Matter No. DR 442 of 2008; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES, as part of the State Administrative Tribunal Review Matter No. DR 442 of 2008, the application submitted by the owner C M Hobbs for Alterations and Additions to Existing Street/Front Fence of Existing Single House (Application for Retrospective Approval), at No. 241 (Lots: 100 and 101 D/P: 63744) Beaufort Street, Perth and as shown on plans stamp-dated 19 September 2008, for the following reasons:*
  - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *the non-compliance with clause SADC 13 of the Town's Policy No. 3.2.1 relating to Residential Design Elements, which requires the maximum height of the street wall to be 1.8 metres above the adjacent footpath level;*

- (c) *the street walls and front fences requirements proposed to be varied are as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (d) *the non-compliance with the Town's Policy No. 3.6.1 relating to Heritage Management.*

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COUNCIL DECISION ITEM 9.1.10

*PROCEDURAL MOTION*

*Moved Cr Farrell, Seconded Cr Ker*

*That the item be DEFERRED at the request of the applicant.*

*Cr Burns returned to the Chamber at 9.20pm.*

MOTION PUT AND CARRIED (8-1)

<i>For</i>	<i>Against</i>
<i>Mayor Catania</i>	<i>Cr Messina</i>
<i>Cr Burns</i>	
<i>Cr Doran-Wu</i>	
<i>Cr Farrell</i>	
<i>Cr Ker</i>	
<i>Cr Lake</i>	
<i>Cr Maier</i>	
<i>Cr Youngman</i>	

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<i>Landowner:</i>	<i>C M Hobbs</i>
<i>Applicant:</i>	<i>C M Hobbs</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>302 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

**BACKGROUND:**

28 July 2008 *The Town received a complaint regarding the unauthorised erection of lattice to the existing front fence at the subject property, which after further investigation was found to be non-compliant with the Town's requirements.*

4 November 2008 *The Council at its Ordinary Meeting resolved to refuse the application for Alterations and Additions to Existing Street/Front Fence of Existing Single House (Application for Retrospective Approval), at the subject property for the following reasons:*

- "(a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*

- (b) *the non-compliance with clause SADC 13 of the Town's Policy No. 3.2.1 relating to Residential Design Elements, which requires the maximum height of the street wall to be 1.8 metres above the adjacent footpath level;*
- (c) *the street walls and front fences requirements proposed to be varied are as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (d) *the non-compliance with the Town's Policy No. 3.6.1 relating to Heritage Management."*

*At this Meeting the Council also resolved the following in relation to the matter:*

- "ii) *the Council ADVISES the applicant and owner that the unauthorised lattice addition to the street front fence shall be removed within twenty-eight (28) days of notification, and the Council AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the lattice addition remain after this twenty eight (28) days period."*

*19 November 2008 The applicant lodged a review application with the SAT in relation to the planning application, which was refused by the Council at its Ordinary Meeting held on 4 November 2008.*

*10 December 2008 Direction Hearing at the SAT.*

*12 January 2009 The Town's Officers attended an on-site mediation as per the SAT Orders dated 16 December 2008.*

*14 January 2009 The Town received Orders inviting the Town under Section 31 of the SAT Act 2004, to determine the subject application.*

**DETAILS:**

*The application involves the erection of lattice above the existing masonry wall (application for retrospective approval) at the subject property. Under section 252 (1) of the Planning and Development Act 2005, the owner of the subject property submitted an application for review to the SAT regarding the decision of the Council to refuse the application for Alterations and Additions to Existing Street/Front Fence of Existing Single House (Application for Retrospective Approval) at the Ordinary Meeting of Council held on 4 November 2008.*

*The applicant has submitted a comprehensive submission in support of the proposed lattice addition as part of the SAT review, which is partially summarised below with associated Officer Comment. The applicant's full submission is "Laid on the Table".*

- *"The construction of a lattice fence to this building is not inconsistent with the planning of the surrounding area, which is intensely commercial. It would be nonsensical to require the dwelling to meet planning requirements for fences on houses in normal suburban low-density residential streets."*

*Officer Comment:*

*As previously outlined, the Town's Residential Design Elements Policy requires that street walls and fences are to have a maximum height of 1.8 metres above the adjacent footpath level. The current overall height of the front fence at the subject property is 2.7 metres and is 0.9 metre higher than what is permitted. Whilst the subject property is zoned 'Commercial' and is surrounded by commercial properties of varying forms and sizes, the Town's Beaufort Precinct Policy No. 3.1.13 requires residential development to be in accordance with the R80 standards and subsequently it is to comply with all the provisions of the relevant policies relating to residential development. Furthermore, the Town's Local Law 2.1 relating to fencing stipulates that a 'sufficient fence' is 1.8 metres. In this context, the additional height is considered excessive and a significant inappropriate deviation from the planning requirements.*

*Furthermore, it is considered that the cumulative impact of both the existing solid wall and lattice is excessive and reduces any potential for the interaction and visual surveillance between the dwelling and the street. Such a high, solid, uniform and bulky street wall/fence is not compatible with the surrounding commercial properties, which are required to provide street level articulation through visually permeable window and door openings, displays or art, or by rich architectural design and detailing.*

- *"The proposed lattice is compatible with the heritage values of the dwelling."*

*Officer Comment:*

*The subject property is listed on the Town's Municipal Heritage Inventory as part of a group with Nos. 235-239 Beaufort Street. A Heritage Impact Statement, which is summarised below and is included as an attachment to this report, has concluded that the lattice addition is inconsistent with the Town's Policy No. 3.6.1 relating to Heritage Management:*

- *The lattice addition is considered to obscure the existing visual setting, continuity and character of the heritage place as a group.*
- *The lattice addition is not considered good heritage conservation practice as it does not retain its relationship to the setting within the whole group of terrace houses.*
- *"The proposed lattice extension is not a solid wall but is designed to support very vigorous-growing roses to help reduce noise and glare as well as for security."*

*Officer Comment:*

*The Town's Parks Services attended the mediation and offered numerous alternative solutions for plantings that would not require the lattice screening and still provide a soft landscaping barrier. For example, the applicant was advised that privacy screening can be easily achieved by planting a hedge of Plumbago within the front garden bed of the property; this form of screening would be more aesthetically acceptable than the lattice screening. Furthermore, no evidence has been submitted demonstrating that the subject lattice will have an impact in terms of reducing noise and glare.*

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted</i>
<i>Policy No. 3.2.1 relating to Residential Design Elements</i>	<i>Maximum height of 1.8 metres above adjacent footpath level.</i>	<i>2.7 metres above the adjacent footpath level</i>	<i>Not supported – see "Comments" section.</i>

<i>Consultation Submissions</i>		
<i>The application was not advertised as the Officer Recommendation is for refusal.</i>		
<i>Support</i>	<i>N/A</i>	<i>Noted.</i>
<i>Objection</i>	<i>N/A</i>	<i>Noted.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Financial Implications</i>	<i>Nil</i>	
<i>Sustainability Implications</i>	<i>Nil</i>	

*\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.*

**COMMENTS:**

*State Administrative Tribunal Act 2004*

*Section 31 states as follows:*

*“31. Tribunal may invite decision-maker to reconsider*

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
  - (a) affirm the decision;*
  - (b) vary the decision; or*
  - (c) set aside the decision and substitute its new decision.*
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

*Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. After the Ordinary Meeting of Council scheduled to be held on 24 February 2009, the Town’s Officers and the Applicant are to attend a further Directions Hearing at the SAT on 4 March 2009. If the Applicant is satisfied with the determination made by the Council at its Ordinary Meeting scheduled to be held on 24 February 2009, the applicant will consider withdrawing their current Review application with the State Administrative Tribunal.*

**Conclusion**

*As can be seen in the above background, the Town's Officers have attended an on-site mediation. However, no shared position or compromise could be agreed at the mediation to enable the resolution of the matter. In light of this, and the above discussion, it is recommended that the Council refuse the front/street fence additions to the subject place as per the Officer Recommendation."*

The Chief Executive Officer advised that Cr Burns had declared a financial interest in Item 9.1.10. She departed the Chamber at 6.44pm and did not speak or vote on this matter.

**9.1.10 LATE ITEM: No. 148 (Lot: 64 D/P: 2360) Carr Street, West Perth – Proposed Crossover to Existing Grouped Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	10 March 2009
<b>Precinct:</b>	Cleaver; P05	<b>File Ref:</b>	PRO3362; 5.2008.533.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B M Arnold on behalf of the owner J L Dragojevich for proposed Crossover to Existing Grouped Dwellings, at No. 148 (Lot: 64 D/P: 2360) Carr Street, West Perth, and as shown on plans stamp-dated 14 November 2008 and 17 February 2009, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate within the Carr Street setback area and including along the side boundaries within this street setback area, shall comply with the following:*
  - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) the proposed crossovers being reduced to a width of 3 metres each;*

- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area adjacent to the Carr Street boundary, shall be submitted and approved prior to the construction of the crossover. The landscaping of the area shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (vi) *prior to the construction of the crossover, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property the Town of Vincent will not issue an owner or visitor residential car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

*This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development.*

**\*Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

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Cr Doran-Wu returned to the Chamber at 6.45pm.

**COUNCIL DECISION ITEM 9.1.10**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED (8-0)**

(Cr Burns was absent from the Chamber and did not vote on this matter.)

Cr Burns returned to the Chamber at 6.45pm.

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<b>Landowner:</b>	J L Dragojevich
<b>Applicant:</b>	B M Arnold
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Grouped Dwelling
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1017 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

26 April 2006                      The Council at its Ordinary Meeting considered an application for proposed additional five (5) two-storey single bedroom grouped dwellings with studios to existing single house, at No. 148 (Lot 64) Carr Street, West Perth, and resolved:

*“That the Item be DEFERRED for further investigation.”*

25 July 2006                      The Council at its Ordinary Meeting considered an application for proposed additional five (5) two-storey single bedroom grouped dwellings with studios to existing single house, at No. 148 (Lot 64) Carr Street, West Perth, and resolved:

*“That the Item be DEFERRED as requested by the applicant.”*

8 August 2006                    The Council at its Ordinary Meeting resolved to refuse the application for proposed additional five (5) two-storey single bedroom grouped dwellings with studios to existing single house at No. 148 (Lot 64) Carr Street, West Perth, for the following reasons:

*“(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*

*(ii) the non-compliance with the upper floor building on boundary and upper floor setback requirements of the Residential Design Codes; and*

*(iii) consideration of the objections received”*

5 December 2006                The Council at its Ordinary Meeting considered an application for proposed additional three (3) two-storey plus lofts grouped dwellings and alterations to existing single house, and resolved:

*“That the Item be DEFERRED to allow for more accurate plans to be provided, in particular dormer windows to the loft.”*

19 December 2006              The Council at its Ordinary Meeting considered an application for proposed additional three (3) two-storey plus lofts grouped dwellings and alterations to existing single house, and resolved:

*“That the matter be DEFERRED.”*

10 January 2007                The Town under Delegated Authority from the Council conditionally approved an application for proposed additional three (3) two-storey plus lofts grouped dwellings and alterations to existing single house.

**DETAILS:**

The proposal involves alterations to the crossover and driveways of the existing grouped dwellings.

The application was approved on 10 January 2007 with one single crossover and driveway that allows for vehicular access to the three rear units as well as vehicular access to the front existing dwelling, with two car bays orientated parallel to the street. The subject application, is for an additional single crossover being created directly adjacent to the existing crossover to allow for one car bay to be parked perpendicular to the street. This creates a variation in the amount of car parking for the front dwelling as only one car bay is proposed.

The applicant's submission is "*Laid on the Table*" and is summarised as follows.

- The approved car parking layout will be reversing onto the common property driveway and, therefore, onto potential on-coming traffic from the rear three units and the position of the existing building creates a blind spot for the car bays;
- The proposed variation will beautify the frontage of the restored house and the streetscape;
- The proposed variation allows for the meter boxes to be placed perpendicular to the street as opposed to facing the street in the approved application; and
- The proposed variation will create additional landscaping and a greater courtyard area for the existing dwelling.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	5.65 dwellings	4 dwellings	Noted – no variation
Plot Ratio	N/A	N/A	Noted.
Car Parking (Unit 1)	2 car bays	1 car bay	Supported – see “Comments”.
Driveways and Crossovers	The total aggregate width of driveways are not to occupy more than 40 per cent of the frontage of the lot or 6 metres, whichever is the lesser.	Total aggregate width of both crossovers is 6.043 metres.	Not supported – condition applied for the proposed crossovers to be reduced to 3 metres each.
<b>Consultation Submissions</b>			
Support	Nil		Noted.
Objection	Nil		Noted.
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

\* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

**COMMENTS:**

The proposed alterations to the driveway and crossover of the subject site reduce the amount of required car parking for the existing dwelling to one car bay. This is not considered to have an undue impact on the amenity of the dwelling and the area, as the loss of a car bay allows for an increased courtyard and landscaping in the front setback area, as well an amended front fence that allows for the meter boxes to be situated perpendicular to the street and not facing the street, which was originally approved.

In light of the above, it is recommended that the Council support the application, subject to standard and appropriate conditions to address the above matters.

**9.1.3 No. 101 (Lot 13 D/P: 830 and Lot 250 D/P: 302341) Edward Street, Corner Dalmeny Street, Perth - Proposed Partial Demolition of Existing Eating House and Conversion of Eating House to Mixed Use Development Comprising Office and One (1) Multiple Dwelling**

<b>Ward:</b>	South	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0847 5.2008.398.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Burgess on behalf of the owner Bonnie-Croft Pty Ltd for proposed Partial Demolition of Existing Eating House and Conversion of Eating House to Mixed Use Development Comprising Offices and One (1) Multiple Dwelling, at No. 101 (Lot 13 D/P: 830 and Lot 250 D/P: 302341) Edward Street, corner Dalmeny Street, Perth, and as shown on plans stamp-dated 3 March 2009, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iii) *prior to the first use of the upgraded facility, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the commencement of works. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iv) *prior to the issue of the Building Licence, revised plan shall be submitted and approved demonstrating;*
  - (a) *a bin compound being provided, behind the street setback area in accordance with the Town's Health Services specifications, divided into commercial and residential areas and sized to contain:*

*Residential*

- *1 x mobile garbage bin per unit; and*
- *1 x general recycle bin per 2 units; and*

*Commercial*

- *1 x mobile garbage bin per unit; and*
- *1 x paper recycle bin per unit, or per 200 square metres of floor space;*

- (b) the pergola being setback a minimum of 1.5 metres from the front/northern boundary, to enable landscaping within the front setback area;*
- (c) the provision of a store for the proposed multiple dwelling having a minimum dimension of 1.5 metres and an internal area of 4 square metres;*
- (d) any new street/front wall, fence and gate within the Edward Street setback areas, including along the side boundaries within these street setback areas, complying with the following:*
  - (1) the maximum height being 1.8 metres above the adjacent footpath level;*
  - (2) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (3) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (4) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (5) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed and*
- (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

- (v) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) first obtaining the consent of the owners of No. 97 Edward Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 97 Edward Street in a good and clean condition;*
- (vii) prior to the first occupation of the development, one (1) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (viii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ix) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (x) *prior to the first occupation of the development, two car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xi) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (xii) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xiii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xiv) *prior to the issue of a Building Licence for the dwelling, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the dwelling that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the dwelling;*
- (xv) *prior to the first occupation of the development, the dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xvi) *a detailed landscaping plan, including a list of plants and the landscaping of the Edward Street verge adjacent to the subject property, the landscaping bed adjacent to the front/northern boundary and car parking area, including the provision of one shade tree, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xvii) *the proposed vehicular entry gate adjacent to the car parking area and right of way shall either be open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xviii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the development complying with the requirements of the Building Code of Australia for a Class 5 and Class 2 - Class 4 building, in particular the requirements for fire safety, energy efficiency, and access and toilet facilities for people with disabilities. The revised plans shall not result in any greater variation to the requirements of the Town's Policies; and*
- (xix) *the floor area of the Office shall be limited to 235 square metres of gross floor area. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town.*

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**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT

**Moved Cr Ker, Seconded Cr Messina**

*That clause (iv)(b) be deleted and the remaining clauses renumbered.*

**AMENDMENT PUT AND CARRIED (8-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Maier
Cr Burns	
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Messina	
Cr Youngman	

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED (9-0)**

**COUNCIL DECISION ITEM 9.1.3**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Burgess on behalf of the owner Bonnie-Croft Pty Ltd for proposed Partial Demolition of Existing Eating House and Conversion of Eating House to Mixed Use Development Comprising Offices and One (1) Multiple Dwelling, at No. 101 (Lot 13 D/P: 830 and Lot 250 D/P: 302341) Edward Street, corner Dalmeny Street, Perth, and as shown on plans stamp-dated 3 March 2009, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iii) prior to the first use of the upgraded facility, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the commencement of works. All costs associated with this condition shall be borne by the applicant/owner(s);*

- (iv) *prior to the issue of the Building Licence, revised plan shall be submitted and approved demonstrating;*
- (a) *a bin compound being provided, behind the street setback area in accordance with the Town's Health Services specifications, divided into commercial and residential areas and sized to contain:*
- Residential*
- *1 x mobile garbage bin per unit; and*
  - *1 x general recycle bin per 2 units; and*
- Commercial*
- *1 x mobile garbage bin per unit; and*
  - *1 x paper recycle bin per unit, or per 200 square metres of floor space;*
- (b) *the provision of a store for the proposed multiple dwelling having a minimum dimension of 1.5 metres and an internal area of 4 square metres;*
- (c) *any new street/front wall, fence and gate within the Edward Street setback areas, including along the side boundaries within these street setback areas, complying with the following:*
- (1) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (2) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (3) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (4) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (5) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed and*
- (d) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) *first obtaining the consent of the owners of No. 97 Edward Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 97 Edward Street in a good and clean condition;*

- (vii) *prior to the first occupation of the development, one (1) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (viii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ix) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (x) *prior to the first occupation of the development, two car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xi) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (xii) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xiii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xiv) *prior to the issue of a Building Licence for the dwelling, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the dwelling that the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the dwelling;*
- (xv) *prior to the first occupation of the development, the dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xvi) *a detailed landscaping plan, including a list of plants and the landscaping of the Edward Street verge adjacent to the subject property, the landscaping bed adjacent to the front/northern boundary and car parking area, including the provision of one shade tree, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (xvii) *the proposed vehicular entry gate adjacent to the car parking area and right of way shall either be open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xviii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the development complying with the requirements of the Building Code of Australia for a Class 5 and Class 2 - Class 4 building, in particular the requirements for fire safety, energy efficiency, and access and toilet facilities for people with disabilities. The revised plans shall not result in any greater variation to the requirements of the Town's Policies; and*
- (xix) *the floor area of the Office shall be limited to 235 square metres of gross floor area. Any increase in floor space or change of use for the subject land shall require a separate Planning Approval to be applied to and obtained from the Town.*

<b>Landowner:</b>	Bonnie-Croft Pty Ltd
<b>Applicant:</b>	J Burgess
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Eating House
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	648 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

15 April 1987                      The City of Perth approved an application for proposed change of use from vacant dwelling to restaurant and office at the subject property.

**DETAILS:**

The proposal involves the proposed partial demolition of an existing eating house and a change of use from eating house to a mixed use development comprising offices and one (1) multiple dwelling.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	5.18 dwellings	1 dwelling	Noted.
Plot Ratio	0.75 - 486 square metres	0.12 - 83.33 square metres	Noted.

<p>Beaufort Precinct Plan 3.1.13</p> <p>Development Mix:</p> <p>Street Setback:</p>	<p>Are to contain a residential component of no less than 66 per cent (240 square metres) of the existing or approved floor space.</p> <p>All other buildings are to be setback from the street alignment such distance as is generally consistent with building setback on adjacent land and in the immediate locality (3.9 metres).</p>	<p>35 per cent (129.03 metres square)</p> <p>Nil - 1.9 metre</p>	<p>Supported – refer to comments section below.</p> <p>Supported in part – refer to comments section below.</p>
<p>Driveways</p>	<p>No closer then 6 metres to an intersection.</p>	<p>5.1 metres to Matson Lane and Dalmeny Street.</p>	<p>Supported - due to the low volumes of traffic on both the Matson Lane and Dalmeny Street, the proposed configuration is considered acceptable.</p>
<p>Building on Boundary</p> <p>Eastern wall</p>	<p>Walls on the boundary for two-thirds of the boundary (23.54 metres) behind the street setback up to 6 metres in height.</p>	<p>Boundary wall length: 7.22 metres</p> <p>Building height: 6.849</p>	<p>Supported - the two-storey building on boundary component will not have an impact on the Edward Street streetscape as it is setback 18 metres from Edward Street and as it is lower in height that the adjacent two-storey building.</p>
<p>Street Wall and Fences</p>	<p>Solid Portion not higher then 1.2 metres in street setback.</p>	<p>Eastern side boundary in street setback - 2 metres.</p>	<p>Not supported -considered to impact on streetscape and conditioned to comply.</p>
<p>Essential Facilities</p>	<p>Stores with a minimum 1.5 metres dimension and an area of 4 square metres.</p> <p>Not visible from the street.</p>	<p>1.4 metres by 6.018 metres</p> <p>8.42 square metres</p> <p>Bin store within street setback</p>	<p>Not Supported – conditioned to comply.</p> <p>Not Supported – considered to impact on streetscape and conditioned to be relocated to the rear of the property.</p>

Bicycle Store	1 space per 200 square metres gross floor area (1 facility)	Nil	Not Supported – conditioned to comply.
Landscaping	All non-residential parking areas should contain shade trees (species to be approved by the Town of Vincent) generally at a rate of one tree per four spaces. (1 tree required)  The perimeter of all parking areas should be landscaped by a planting strip of at least 1.5 metres in width.	Nil  Two landscaping areas; <ul style="list-style-type: none"> <li>▪ 5.1 metres by 3 metres;</li> <li>▪ 5.4 metres by 0.5 metre</li> </ul>	Not supported - considered to impact on amenity of area and conditioned to comply.  Supported - the cumulative effect of the two landscaping areas are sufficient to effectively screen the car parking area, and in turn reduce the apparent size and visual monotony of the parking area.
<b>Commercial Car Parking</b>			
Car parking requirement (nearest whole number) - Office – 1 bay per 50 square metres of gross floor area (GFA) - GFA = 235 square metres - requires 4.7 car bays			5 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.80 (within 400 metres of a railway station)</li> </ul>			(0.68)  3.4 car bays
Minus the car parking provided on-site			6 car bays for office use
Minus the most recently approved on-site car parking shortfall.			Nil
Resultant surplus			2.6 car bays
<b>Bicycle Parking</b>			
Office – GFA = 235 square metres Class 1 or 2 – 1 space per 200 square metres of GFA Requires = 1.175 bicycle spaces			= 1 (class 1 or 2) bicycle spaces
<b>Consultation Submissions</b>			
Support (3)	No reason provided.	Noted.	
Objection	Nil.	Noted.	
<b>Other Implications</b>			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

\* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

### Street Setback

The applicant proposes to retain the existing pergola with a nil setback to Edward Street. However, an archive search failed to reveal a valid planning approval for the pergola. It is considered that the pergola has a negative impact on the Edward Street streetscape and that this application provides an opportunity to improve the site's interface with Edward Street.

It is noted that the southern side of Edward Street is eclectic and comprises numerous commercial buildings of different styles, which is distinctly different from the cohesive northern side, which is characterised by historic buildings. A site visit revealed that an important and significant element of the southern side of Edward Street was the provision of landscaping within the front setback area. In light of this, it is considered appropriate to require a street setback area for the provision of landscaping to ensure the development contributes to and enhances the Edward Street streetscape.

### **Beaufort Precinct Policy**

The land is zoned Residential/Commercial R80 with the immediate area characterised by dwellings being used for commercial purposes. The Town's Policy relating to the Beaufort Precinct specifies that mixed residential/commercial development is to incorporate a residential component of no less than 66 per cent of the existing or approved floor space.

Commercial uses dominate the immediate vicinity of the proposed development in the form of two-storey purpose built office buildings and single-storey residential buildings adapted for accounting and financial services. The enforcement of an increased residential component on the subject site is not considered reasonable in this instance by virtue of the established commercial amenity immediately adjoining and surrounding the subject site and the fact that the subject application proposes a residential component, which is 35 per cent more than the current use.

It is noted that the Council has on numerous occasions, where considered appropriate, supported proposals which effectively do not meet the requirements for 66 per cent of the floor area to be residential in this zone, on the grounds that the mixed-use requirement may be more effective in the short term in streets and neighbourhoods where the predominant use is residential, rather than the higher yielding commercial uses. Further, it is unlikely that the remainder of the street will convert to a predominantly residential use, as most of the existing commercial uses are lawful and established.

### **Building Code of Australia Requirements**

The proposal does not comply with the requirements of the Building Code of Australia, particularly in respect of fire safety, energy efficiency, and access and toilet facilities for people with disabilities. As such, a condition has been recommended to be applied to the proposed development, requiring works to be completed to meet the requirements of the Building Code of Australia prior to the first occupation of the development.

### **Conclusion**

In light of the above, it is recommended that the Council approve the proposal, subject to standard and appropriate conditions to address the above matters.

**9.1.6 No. 197 (Lot: 5 D/P: 672) Harold Street, Mount Lawley – Proposed Temporary Car Park Incidental to Place of Public Worship**

<b>Ward:</b>	South	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO3524; 5.2008.565.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone, S Kendall		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by John Flower Architect Pty Ltd on behalf of the owner Roman Catholic Archbishop for proposed Temporary Car Park Incidental to Place of Public Worship at No. 197 (Lot: 5 D/P: 672) Harold Street, Mount Lawley, and as shown on plans stamp-dated 2 December 2008, subject to the following conditions:*

- (i) the car park use is to be directly associated with the Sacred Heart Church;*
- (ii) the car park is to be used only by the staff and visitors of the Sacred Heart Church;*
- (iii) details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the former Sacred Heart Parish Meeting Place at No. 197 Harold Street, Mount Lawley shall be submitted to and approved by the Town within 28 days of the issue of the Approval to Commence Development. The approved interpretation proposal shall be installed at the owner(s)/occupier(s) expense and thereafter maintained by the owner(s)/occupier(s) within 60 days of the approval of the interpretation proposal by the Town;*
- (iv) prior to the issue of a Building Licence or first occupation of the development or commencement of the use on-site, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
  - (a) wheel stops to be placed in accordance with AS2890.1.2.4.5.4 at the kerb line of the existing toilets and the car park boundary adjacent to Harold Street. The distance from the kerb/boundary shall be 820 millimetres with a height of 100 millimetres;*
  - (b) the provision of a minimum of one tree per 4 car parking spaces in the open car parking area; and*
  - (c) a detailed landscaping plan be provided for the new lawn and the landscaping strips along the northern and eastern boundaries.*

*The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (v) a detailed management plan for the operation of the temporary car park, car park security, staff and visitors car parking, and the control of noise, traffic, litter and lighting shall be submitted to and approved by the Town prior to operation of the car park, whichever occurs first, and thereafter implemented and maintained by the owner(s)/occupier(s) for the temporary period of time;*
- (vi) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *prior to the issue of a Building Licence or first occupation of the development or commencement of the use on-site, whichever occurs first, the owner(s) shall enter into a legal agreement with the Town and lodge an appropriate assurance bond/bank guarantee of \$15,000, that addresses the following undertakings to the satisfaction of the Town:*
  - (a) *the car park use is to be directly associated with the Sacred Heart Church;*
  - (b) *the car park is to be used only by the staff and visitors of the Sacred Heart Church;*
  - (c) *the approval for the car park is valid for three years only (unless the lots are amalgamated) and the use should revert back to residential after this time or upon the issue of a Planning Approval, Building Licence and completion of works at the subject site at No. 197 Harold Street, Mount Lawley, whichever occurs first;*
  - (d) *after the three years, the car park is to be reinstated with landscaping or other development to the satisfaction of the Town.*

*The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation if prepared by the other solicitors, shall be borne by the applicant/owners(s);*

**OR**

*prior to the issue of a Building Licence or first occupation of the development or commencement of the use on-site, whichever occurs first, the subject land at No. 197 (Lot 5) Harold Street, Mount Lawley and No. 42 (Lot 24) Mary Street, Highgate, shall be amalgamated into one lot on Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s);*

- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (x) *any new street/front wall, fence and gate within the Harold Street setback area including long the side boundaries within this street setback area, shall comply with the following:*
  - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*

- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portions 0.65 metre above the adjacent footpath level.*

**\*Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

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**Moved Cr Messina, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT NO 1

**Moved Cr Messina, Seconded Cr Farrell**

*That a new subclause (iv)(d) be inserted to read as follows:*

*“(iv)(d) provision of adequate lighting to the Town’s satisfaction.”*

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED (7-2)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Lake
Cr Burns	Cr Maier
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Messina	
Cr Youngman	

AMENDMENT NO 2

**Moved Cr Messina, Seconded Cr Ker**

*That clause (viii) be amended to read as follows:*

- (viii) *prior to the issue of a Building Licence or first occupation of the development or commencement of the use on-site, whichever occurs first, the owner(s) shall enter into a legal agreement with the Town ~~and lodge an appropriate assurance bond/bank guarantee of \$15,000~~, that addresses the following undertakings to the satisfaction of the Town:*
  - (a) *the car park use is to be directly associated with the Sacred Heart Church;*
  - (b) *the car park is to be used only by the staff and visitors of the Sacred Heart Church;*

- (c) *the approval for the car park is valid for three years only (unless the lots are amalgamated) and the use should revert back to residential after this time or upon the issue of a Planning Approval, Building Licence and completion of works at the subject site at No. 197 Harold Street, Mount Lawley, whichever occurs first;*
- (d) *after the three years, the car park is to be reinstated with landscaping or other development to the satisfaction of the Town.*

~~*The legal agreement shall be secured by a caveat on the Certificate(s) of Title of the subject land. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town. All costs associated with this condition, including the cost of the Town's solicitors checking the documentation if prepared by the other solicitors, shall be borne by the applicant/owner(s);*~~

**OR**

~~*prior to the issue of a Building Licence or first occupation of the development or commencement of the use on site, whichever occurs first, the subject land at No. 197 (Lot 5) Harold Street, Mount Lawley and No. 42 (Lot 24) Mary Street, Highgate, shall be amalgamated into one lot on Certificate of Title. All costs associated with this condition shall be borne by the applicant/owner(s);*~~

Debate ensued.

**AMENDMENT NO 2 PUT AND CARRIED (9-0)**

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED (9-0)**

**COUNCIL DECISION ITEM 9.1.6**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by John Flower Architect Pty Ltd on behalf of the owner Roman Catholic Archbishop for proposed Temporary Car Park Incidental to Place of Public Worship at No. 197 (Lot: 5 D/P: 672) Harold Street, Mount Lawley, and as shown on plans stamp-dated 2 December 2008, subject to the following conditions:*

- (i) *the car park use is to be directly associated with the Sacred Heart Church;*
- (ii) *the car park is to be used only by the staff and visitors of the Sacred Heart Church;*
- (iii) *details of an interpretation proposal, which incorporates explicit recognition of the heritage values of the former Sacred Heart Parish Meeting Place at No. 197 Harold Street, Mount Lawley shall be submitted to and approved by the Town within 28 days of the issue of the Approval to Commence Development. The approved interpretation proposal shall be installed at the owner(s)/occupier(s) expense and thereafter maintained by the owner(s)/occupier(s) within 60 days of the approval of the interpretation proposal by the Town;*

- (iv) *prior to the issue of a Building Licence or first occupation of the development or commencement of the use on-site, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*
- (a) *wheel stops to be placed in accordance with AS2890.1.2.4.5.4 at the kerb line of the existing toilets and the car park boundary adjacent to Harold Street. The distance from the kerb/boundary shall be 820 millimetres with a height of 100 millimetres;*
  - (b) *the provision of a minimum of one tree per 4 car parking spaces in the open car parking area;*
  - (c) *a detailed landscaping plan be provided for the new lawn and the landscaping strips along the northern and eastern boundaries; and*
  - (d) *provision of adequate lighting to the Town's satisfaction.*

*The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*

- (v) *a detailed management plan for the operation of the temporary car park, car park security, staff and visitors car parking, and the control of noise, traffic, litter and lighting shall be submitted to and approved by the Town prior to operation of the car park, whichever occurs first, and thereafter implemented and maintained by the owner(s)/occupier(s) for the temporary period of time;*
- (vi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *prior to the issue of a Building Licence or first occupation of the development or commencement of the use on-site, whichever occurs first, the owner(s) shall enter into a legal agreement with the Town that addresses the following undertakings to the satisfaction of the Town:*
- (a) *the car park use is to be directly associated with the Sacred Heart Church;*
  - (b) *the car park is to be used only by the staff and visitors of the Sacred Heart Church;*
  - (c) *the approval for the car park is valid for three years only (unless the lots are amalgamated) and the use should revert back to residential after this time or upon the issue of a Planning Approval, Building Licence and completion of works at the subject site at No. 197 Harold Street, Mount Lawley, whichever occurs first;*
  - (d) *after the three years, the car park is to be reinstated with landscaping or other development to the satisfaction of the Town;*

- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (x) *any new street/front wall, fence and gate within the Harold Street setback area including long the side boundaries within this street setback area, shall comply with the following:*
- (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion s 0.65 metre above the adjacent footpath level.*

**ADDITIONAL INFORMATION:**

The application is for a car park that is of a temporary nature and this is required to be highlighted in the title of the planning application.

<b>Landowner:</b>	Roman Catholic Archbishop
<b>Applicant:</b>	John Flower Architect Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Car Park
<b>Use Classification:</b>	"X"
<b>Lot Area:</b>	546 square metres
<b>Access to Right of Way</b>	East side, 3 metres wide, sealed, privately owned South side, 3 metres wide, sealed, privately owned

**BACKGROUND:**

2 March 2006            A fire substantially damaged the weatherboard Sacred Heart Parish Meeting Place at No. 197 Harold Street, Highgate.

29 March 2006        As the place forms part of the important cultural environment of the Sacred Heart Group, the Town's Heritage Officers wrote to the Church encouraging the examination of various options that would enable the retention of the place and outlining the various financial and non-financial incentives that are available to assist in the conservation of places within the locality.

- 28 April 2006 Two of the Town's Heritage Officers met with Father Bianchini, Mr Keith Atkinson from Crawford and Company (Australia) Pty Ltd and Guy Hopkins from MCS Group to inspect the extent of the fire damage.
- 23 May 2006 The Council at its Ordinary Meeting approved an application for the demolition of the existing place of worship, subject to the following conditions:
- “(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G. Hopkins of MCS Group on behalf of the owner Sacred Heart Parish for proposed Demolition of Existing Place of Worship, at No. 197 (Lot 5, D/P: 672) Harold Street, Mount Lawley, and as shown on plans stamp-dated 2 May 2006, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (c) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (d) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (e) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies; and*
- (ii) *the Council ADVISES the landowner of No. 197 (Lot 5, D/P: 672) Harold Street, Mount Lawley that a development proposal for the site shall be submitted to the Town within six months from the date of this approval. Within this time further discussion should be undertaken with the Town's Planning, Building and Heritage Services to examine various redevelopment options.”*
- 10 July 2006 In accordance with condition (ii) of the Planning Approval granted by the Council on 23 May 2008, the applicant submitted three design options for the vacant site. These design options included:
1. A car park;
  2. A Priest's House, a visitor's house and associated car parking; or
  3. A small meeting place/parish office and associated car parking.
- The applicant advised that option one is their most preferred.

- 26 July 2006 The Town advised the applicant that options 2 and 3 are the most preferred as they allow for greater opportunity in terms of street interaction and casual surveillance and do not detract from the streetscape. In regards to option 1, the Town advised that it is an 'X' use and is not permitted under the scheme; however, the provision of a car park may be considered by the Council in the context of it being ancillary to the adjacent church.
- 8 August 2006 Demolition Licence for the Place of Public Worship issued.
- 22 December 2006 A letter was received from the applicant requesting an extension of time until June 2007 to submit a planning application. There is no record on the file as to the response from the Town.
- 12 November 2007 The Town advised the applicant to contact the Town's Planning Officers to discuss their intentions for the site, as a planning application has not yet been submitted.
- 8 February 2008 The applicant submitted plans with a covering letter of their intentions to use the site for a car park; however, did not lodge a formal planning application.
- 2 December 2008 The applicant submitted a formal planning application.

**DETAILS:**

The proposal involves the construction of a temporary car park at the subject site.

The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio:	N/A	N/A	Noted – no variation.
<b>Consultation Submissions</b>			
Support (40)	<ul style="list-style-type: none"> <li>More car parking is required as fines are constantly being issued for on-street car parking.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>	
Objection (3)	<ul style="list-style-type: none"> <li>No beautification has been proposed.</li> </ul>	<ul style="list-style-type: none"> <li>Supported – a condition has been applied that the provision of a minimum of one tree per 4 car parking spaces be provided.</li> </ul>	
	<ul style="list-style-type: none"> <li>The car park should not be exclusive to people using the church.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – the land is private property.</li> </ul>	
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

## **COMMENTS:**

### **Heritage**

The proposal involves the construction of a car park on the site of the former Sacred Heart Parish Meeting Place, which was severely damaged by fire on 2 March 2006 and subsequently approved for demolition by the Council at its Ordinary Meeting held on 23 May 2006. The Sacred Heart Parish Meeting Place was included within the Sacred Heart Group, which is listed on the Municipal Heritage Inventory (MHI) with a Category A - Conservation Essential listing.

The subject place at No. 197 Harold Street is not included within the State Register of Heritage Places curtilage for the Sacred Heart Convent and School. However, as previously advised by Heritage Council of Western Australia (HCWA), it is understood that the registration may be updated to include other elements around the site in due course. In light of this, the proposal was referred to the Heritage Council for comment. In its letter dated 5 February 2009, the Heritage Council advised that they had no objection to the proposal.

The Town's Heritage Services also have no objection to the proposed car park subject to a requirement for an interpretation proposal, which incorporates explicit recognition of the heritage values of the former Sacred Heart Parish Meeting Place at No. 197 Harold Street, Mount Lawley being displayed within the site.

### **Conclusion**

The Town's Planning, Heritage and Technical Services Officers have considered the application and consider that whilst the proposal is an 'X' use, because the use operates independently on its own site, the proposed car park is in fact ancillary to the immediately adjacent Church. Further to the above, the applicant has provided information from their surveyor stating that it is possible to amalgamate the subject site with the adjoining church site at No. 42 Mary Street, notwithstanding the fact that there is a right of way separating the two lots. However, the amalgamation can not be confirmed until an amalgamation application is submitted to and approved by the Western Australian Planning Commission. If the amalgamation does not occur, the applicant will be required to enter into a legal agreement with the Town as per condition (vi) of the Officer's Recommendation. In light of the above, and the large amount of support for the proposal, it is recommended that Council support the application subject to standard and appropriate conditions.

**9.1.2 Further Report – No. 607 (Lot: 8 D/P: 2324) Beaufort Street, corner Chelmsford Road, Mount Lawley – Demolition of Existing Car Yard and Construction of Two-Storey Commercial Development Comprising Two (2) Shops and Two (2) Offices**

<b>Ward:</b>	South	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	Mount Lawley Centre; P11	<b>File Ref:</b>	PRO2488; 5.2008.62.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner D Di Florio for proposed Demolition of Existing Car Yard and Construction of Two-Storey Commercial Development Comprising Two (2) Shops and Two (2) Offices, at No. 607 (Lot: 8 D/P: 2324) Beaufort Street, corner Chelmsford Road, Mount Lawley, and as shown on plans stamp-dated 12 December 2008, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ii) an archival documented record of the place (including photographs, floor plans and elevations) for the Town’s Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) any new street/front wall, fence and gate within the Beaufort Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
  - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *first obtaining the consent of the owners of No. 609 Beaufort Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 609 Beaufort Street in a good and clean condition;*
- (vi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *the doors, windows and adjacent floor areas on the ground floor fronting Beaufort Street and Chelmsford Road shall maintain an active and interactive relationship with this street;*
- (ix) *the maximum total gross floor area of the offices shall be limited to 244 square metres and the maximum gross floor area of the shops shall be limited to 162 square metres;*
- (x) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xiii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
  - (a) *pay a cash-in-lieu contribution of \$14,896 for the equivalent value of 5.32 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*
  - (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$14,896 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
    - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*

- (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

*The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;*

- (xiv) *prior to the first occupation of the development, two (2) class one or two bicycle parking facilities and one (1) class three bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xv) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating a bin compound being provided in accordance with the Town's Health Services specifications to accommodate the following bins:*

*Commercial*

- *General Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly); and*
- *Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly);*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

- (xvi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report; and*
- (xviii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating appropriate portable landscaping being provided within the Metropolitan Region Scheme Other Regional Road Reservation area.*

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**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**Debate ensued.**

**MOTION PUT AND CARRIED (7-2)**

<b><u>For</u></b>	<b><u>Against</u></b>
<b>Cr Burns</b>	<b>Mayor Catania</b>
<b>Cr Doran-Wu</b>	<b>Cr Messina</b>
<b>Cr Farrell</b>	
<b>Cr Ker</b>	
<b>Cr Lake</b>	
<b>Cr Maier</b>	
<b>Cr Youngman</b>	

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**FURTHER REPORT:**

The Council considered a proposal for the demolition of an existing car yard and the construction of a two-storey commercial development comprising of shops and offices at its Ordinary Meeting held on 10 February 2009 and resolved as follows:

*“That the item be DEFERRED for further discussions with the land owner concerning the potential development of the land.”*

**Applicant’s Response**

In light of the reason for deferral, the applicant has provided the following response in regards to basement parking for the subject application:

*“I wish to advise that consideration has been given to the potential for basement parking with access from the rear right of way. Due to the narrow lot width and the requirements for reversing allowances and manoeuvring, basement parking would not meet the requirements of the codes regarding parking. This has also been discussed and assessed with the Town’s technical services with the same recommendation made.”*

In light of the above, the Officer’s Recommendation remains unchanged. Accordingly, it is recommended that the Council approve the application as previously recommended.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 10 February 2009.

**“OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner D Di Florio for proposed Demolition of Existing Car Yard and Construction of Two-Storey Commercial Development Comprising Two (2) Shops and Two (2) Offices, at No. 607 (Lot: 8 D/P: 2324) Beaufort Street, corner Chelmsford Road, Mount Lawley, and as shown on plans stamp-dated 12 December 2008, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ii) an archival documented record of the place (including photographs, floor plans and elevations) for the Town’s Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) *any new street/front wall, fence and gate within the Beaufort Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
  - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *first obtaining the consent of the owners of No. 609 Beaufort Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 609 Beaufort Street in a good and clean condition;*
- (vi) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *the doors, windows and adjacent floor areas on the ground floor fronting Beaufort Street and Chelmsford Road shall maintain an active and interactive relationship with this street;*
- (ix) *the maximum total gross floor area of the offices shall be limited to 244 square metres and the maximum gross floor area of the shops shall be limited to 162 square metres;*
- (x) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

- (xi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xiii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
- (a) *pay a cash-in-lieu contribution of \$14,896 for the equivalent value of 5.32 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*
- (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$14,896 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
- (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

*The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;*

- (xiv) *prior to the first occupation of the development, two (2) class one or two bicycle parking facilities and one (1) class three bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xv) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating a bin compound being provided in accordance with the Town's Health Services specifications to accommodate the following bins:*

*Commercial*

- *General Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly); and*
- *Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly);*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

- (xvi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report; and*
- (xviii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating appropriate portable landscaping being provided within the Metropolitan Region Scheme Other Road Reservation area.*

COUNCIL DECISION ITEM 9.1.7

Moved Cr Farrell, Seconded Cr Messina

*That the recommendation be adopted.*

*Debate ensued.*

**PROCEDURAL MOTION**

Moved Cr Messina, Seconded Cr Youngman

*That the item be DEFERRED for further discussions with the land owner concerning the potential development of the land.*

MOTION PUT AND CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Maier
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Messina	
Cr Youngman	

*(Cr Burns on approved leave of absence.)*

Landowner:	D Di Florio
Applicant:	D Di Florio
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Car Yard
Use Class:	Retail and Office Building
Use Classification:	"P"
Lot Area:	363 square metres
Access to Right of Way	West side, 4.4 metres wide, sealed, Town owned

**BACKGROUND:**

*No specific background directly relates to the proposal.*

**DETAILS:**

*The proposal involves the construction of a two-storey commercial building comprising of two (2) shops and two (2) offices at the subject property.*

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio:</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Landscaping:</i>	<i>A minimum of 10 per cent of the site is required to be landscaped.</i>	<i>No details of landscaping provided.</i>	<i>Not supported in part – a condition has been applied to the Officer’s Recommendation for landscaping to be provided within the Metropolitan Region Scheme Other Road Reservation area. The DPI has advised that in the event of road widening within this area, the landscaping will be required to be removed. The Town’s Officers are of the view that appropriate portable landscaping can be provided on-site.</i>
<i>Car Parking</i>			
<i>Car parking requirement (nearest whole number)</i>			<i>= 16 car bays</i>
<ul style="list-style-type: none"> <li><i>• Shop – 162 square metres of GFA – requires 10.8 car bays</i></li> <li><i>• Office – 244 square metres of GFA – requires 4.88 car bays</i></li> </ul>			
<i>Total car bays required = 15.68 car bays</i>			
<i>Apply the adjustment factors.</i>			<i>(0.5202)</i>
<ul style="list-style-type: none"> <li><i>• 0.85 (within 800 metres of a rail station)</i></li> <li><i>• 0.85 (within 400 metres of a bus stop)</i></li> <li><i>• 0.85 (within 50 metres of a public car parking place with in excess of 50 car parking spaces)</i></li> <li><i>• 0.90 (the proposed development is within a District Centre Zone)</i></li> </ul>			<i>= 8.32 car bays</i>
<i>Minus the car parking provided on-site</i>			<i>3 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall.</i>			<i>N/A</i>
<i>Resultant shortfall</i>			<i>5.32 car bays</i>
<i>Consultation Submissions</i>			
<i>Support (2)</i>	<ul style="list-style-type: none"> <li><i>• The development will improve and enhance the area.</i></li> <li><i>• Car parking is available behind the development and across the road</i></li> </ul>	<ul style="list-style-type: none"> <li><i>• Noted.</i></li> <li><i>• This has been noted in the car parking assessment.</i></li> </ul>	
<i>Objection (3)</i>	<ul style="list-style-type: none"> <li><i>• Obstruction of views.</i></li> </ul>	<ul style="list-style-type: none"> <li><i>• Not supported – two-storeys are strongly encouraged in the Mount Lawley Centre Precinct.</i></li> </ul>	

	<ul style="list-style-type: none"> <li>• <i>Privacy.</i></li> <li>• <i>Lack of car parking.</i></li> <li>• <i>Traffic congestion.</i></li> <li>• <i>Building height and number of storeys.</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Not supported – the proposal is compliant with the privacy requirements of the Town’s Policies.</i></li> <li>• <i>Not supported – the applicant has reduced the gross floor area of the shop, resulting in a reduction in the number of car bays required. A condition has been applied for the applicant to provide cash-in-lieu of a car parking contribution.</i></li> <li>• <i>Not supported – there will only be a minor increase in traffic in the rear right of way due to only three car bays being provided on-site.</i></li> <li>• <i>Not supported – two-storeys are strongly encouraged in the Mount Lawley Centre Precinct.</i></li> </ul>
<p><i>DPI Comments</i></p> <p><i>The Department for Planning and Infrastructure were notified of the subject application and have responded to the Town that there is no objection to the proposal as no development is proposed within the Other Regional Road Reserve.</i></p>		
<p><i>Other Implications</i></p>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Sustainability Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	

*\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.*

**COMMENTS:**

*Demolition*

*The subject place at No. 607 Beaufort Street, Mt Lawley, is a brick and iron office building built in the Late Twentieth Century Retail Style. It was built circa 1965 and replaced an earlier residence that was built there around 1897.*

*The current office is located at the rear of the lot on the corner of Beaufort Street and Chelmsford Road, with an easterly orientation. The office is square-shaped, and consists of an uninterrupted brick wall on the west elevation, and brick walls interrupted by doors and windows on the south and east elevations. The top of the wall declines in height towards the east end, and the top of the east wall is around one metre lower than the west wall as a result. A brick wall measuring approximately five metres in height runs the length of the northern boundary.*

*The original Certificate of Title for No. 607 Beaufort Street indicates that the property, part of Swan Location 816 being Lot 8 on Deposited Plan 2324, was originally owned by Esther Ashton, married woman. The Perth Metropolitan Sewerage Plan dated 1897 indicates a building was extant at the corner of Beaufort Street and Chelmsford Road at that time. The Metropolitan Sewerage Plan dated 1917 indicates that it was a ‘U’ shaped brick structure oriented along with a front verandah oriented at an angle to Beaufort Street, and a rear verandah oriented east-west along a brick extension. In 1904 the lot was transferred to Daniel Kenny, and then in 1912 Margaret Kenny, spinster, and in 1921 to Mary Kenny. In 1924 it was transferred to Margaret Anketell: in 1953 a change of name to Madge Anketell was registered. In 1964 it was transferred to Donato Diflorio. The following year a Building Licence was issued to Mr De Florio [sic] for a brick office and workshop at No. 607 Beaufort Street.*

*In 2003 the premises were used as a car sales yard, trading under the name 'Aussie Motors'. The proprietor at that time, Mr Donato Diflorio, supported this use. The property is still owned by Mr Diflorio.*

*A preliminary heritage check indicates that the subject place at No. 607 Beaufort Street, Mt Lawley, has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.*

#### *Car Parking*

*The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas. In this instance, the resultant car parking shortfall of 5.32 car bays would equate to a payment of \$14,896. The parking shortfall is not considered excessive given its locational context, and is therefore supported subject to a cash-in-lieu payment.*

#### *Conclusion*

*In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters."*

**9.1.5 No. 2 (Lot 3 D/P: 24107) Bream Cove, corner Joel Terrace, Mount Lawley – Proposed Two-Storey Single House with Basement Carparking and Cellar**

<b>Ward:</b>	South	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO2095; 5.2008.468.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by M Carbone Designs on behalf of the owner S & G Mondello for proposed Two-Storey Single House with Basement Carparking and Cellar, at No. 2 (Lot 3 D/P: 24107) Bream Cove, corner Joel Terrace, Mount Lawley, and as shown on Basement floor plan stamp-dated 3 February 2009 and elevations, site and ground floor plan, upper floor plan and overshadowing diagram stamp-dated 25 February 2009, subject to the following conditions:*

- ~~(i) — the proposed car stacking facility does not form part of this approval and any further consideration of a car stacking facility at the subject property will require a separate planning application to be submitted to and approved by the Town;~~
- ~~(ii)(i)~~ *(i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- ~~(iii)(ii)~~ *(ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - ~~(a) — the proposed car stacking facility being deleted from the proposal and two (2) car parking spaces being provided in accordance with AS2890.1;~~
  - ~~(b) — the overall height of the building to the top of external wall (roof above) being reduced to a maximum of 6 metres from natural ground level; and~~
  - ~~(e)(a)~~ *(a) the nature and extent of the proposed retaining and any new street/front wall, fence and gate within the Bream Cove and Joel Terrace setback areas, including along the side boundaries within these street setback areas, complying with the following:*
    - (1) the maximum height being 1.8 metres above the adjacent footpath level;*
    - (2) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
    - (3) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*

- (4) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (5) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (6) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- ~~(d)~~(b) *the privacy screening on the north-east elevation of Bedroom 3 being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 4 Bream Cove, stating no objection to the respective proposed privacy encroachment.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

- ~~(iv)~~(iii) *prior to the issue of a Building Licence, the subject plans shall be submitted to and approved by the Water Corporation and a copy of the Water Corporation's endorsement with particular reference to the construction of the car stacker/building structure over their sewerage easement, shall be submitted to the Town, prior to the issue of a Building Licence. This endorsement shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- ~~(v)~~(iv) *the proposed swimming pool does not form part of this approval and is subject to a separate Swimming Pool Licence being applied to and obtained from the Town;*
- ~~(vi)~~(v) *a Certified Practising Engineer's certification confirming the capability of the subject site and adequacy of the proposed foundations, for the development and any associated retaining walls, taking into account the extent of excavation, shoring and the geotechnical and/or hydrogeological composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence;*
- ~~(vii)~~(vi) *a Construction Management plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matter, shall be submitted to the Town's Engineering Technical Division for approval 14 days prior to the commencement of works;*
- ~~(viii)~~(vii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (viii) *prior to the issue of a Building Licence, revised plans and additional detail/information shall be submitted and approved demonstrating the following:*
- (a) *the vertical clearance of the car stackers being an absolute minimum of 2.2 metres on the first parking level and the vertical clearance distance on the remaining level/s is to be in accordance with the car stacker manufactures specifications and is to comply with AS/NSZ 2890.1:2004;*

- (b) the weight limitation for the car stacker being no less than 2,500 kilograms;
- (c) the platform openings being an absolute minimum of 2.5 metres wide with a general minimum of 2.7 metres wide for each car bay with a general minimum platform width of 2.9 metres for each bay;
- (d) the car stacker design and associated features, such as a suitable mechanical ventilation system and a suitable sprinkler system, being submitted to and approved by Fire and Emergency Services Authority (FESA);
- (e) the provision of rubber inserts being installed on all platforms on the drivers' side;
- (f) the walls for mounting being as per manufacturer's specification - floors and walls shall be made of concrete designed and certified by a structural Engineer;
- (g) the car stacker platforms shall accommodate vehicles of 5.4 metres in length;
- (h) the Town may act to ensure compliance with the car stacker conditions of approval, in the event that the Applicant/Owner fails to ensure that the car stacker is in good working order and maintained as such, and the conditions of approval are compliant;
- (i) the Applicant/Owner undertakes to provide, maintain and ensure the car stacker system is operable and in good working order at all times, for the life of the building, to the satisfaction of the Town;
- (j) the Applicant/Owner agrees to indemnify the Town for any claims, actions or litigation arising from the car stacker system; and
- (k) an acoustic assessment report being submitted and approved by the Town's Health Services demonstrating that the car stacker has acceptable sound attenuation measures to protect the amenity of surrounding residents. Further acoustic report(s) will be required upon completion of the development, prior to the first occupation of the development, to certify compliance with the approved report and associated regulations.

**\*Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

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**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

Debate ensued.

Cr Farrell departed the Chamber at 7.24pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.25pm.

Debate ensued.

**PROPOSED AMENDMENT**

**Moved Cr Youngman, Seconded Cr .....**

*That clause (viii)(b) be amended to read as follows:*

*“(viii)(b) the weight limitation for the car stacker being no less than ~~2,500~~ 3,000 kilograms;”*

**PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER**

Debate ensued.

**MOTION PUT AND CARRIED (9-0)**

**COUNCIL DECISION ITEM 9.1.5**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by M Carbone Designs on behalf of the owner S & G Mondello for proposed Two-Storey Single House with Basement Carparking and Cellar, at No. 2 (Lot 3 D/P: 24107) Bream Cove, corner Joel Terrace, Mount Lawley, and as shown on Basement floor plan stamp-dated 3 February 2009 and elevations, site and ground floor plan, upper floor plan and overshadowing diagram stamp-dated 25 February 2009, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) the nature and extent of the proposed retaining and any new street/front wall, fence and gate within the Bream Cove and Joel Terrace setback areas, including along the side boundaries within these street setback areas, complying with the following:*
    - (1) the maximum height being 1.8 metres above the adjacent footpath level;*
    - (2) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
    - (3) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
    - (4) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
    - (5) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (6) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (b) *the privacy screening on the north-east elevation of Bedroom 3 being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 4 Bream Cove, stating no objection to the respective proposed privacy encroachment.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

- (iii) *prior to the issue of a Building Licence, the subject plans shall be submitted to and approved by the Water Corporation and a copy of the Water Corporation's endorsement with particular reference to the construction of the car stacker/building structure over their sewerage easement, shall be submitted to the Town, prior to the issue of a Building Licence. This endorsement shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) *the proposed swimming pool does not form part of this approval and is subject to a separate Swimming Pool Licence being applied to and obtained from the Town;*
- (v) *a Certified Practising Engineer's certification confirming the capability of the subject site and adequacy of the proposed foundations, for the development and any associated retaining walls, taking into account the extent of excavation, shoring and the geotechnical and/or hydrogeological composition and history of the site, shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) *a Construction Management plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matter, shall be submitted to the Town's Engineering Technical Division for approval 14 days prior to the commencement of works;*
- (vii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (viii) *prior to the issue of a Building Licence, revised plans and additional detail/information shall be submitted and approved demonstrating the following:*
- (a) *the vertical clearance of the car stackers being an absolute minimum of 2.2 metres on the first parking level and the vertical clearance distance on the remaining level/s is to be in accordance with the car stacker manufactures specifications and is to comply with AS/NSZ 2890.1:2004;*
- (b) *the weight limitation for the car stacker being no less than 2,500 kilograms;*
- (c) *the platform openings being an absolute minimum of 2.5 metres wide with a general minimum of 2.7 metres wide for each car bay with a general minimum platform width of 2.9 metres for each bay;*

- (d) *the car stacker design and associated features, such as a suitable mechanical ventilation system and a suitable sprinkler system, being submitted to and approved by Fire and Emergency Services Authority (FESA);*
- (e) *the provision of rubber inserts being installed on all platforms on the drivers' side;*
- (f) *the walls for mounting being as per manufacturer's specification - floors and walls shall be made of concrete designed and certified by a structural Engineer;*
- (g) *the car stacker platforms shall accommodate vehicles of 5.4 metres in length;*
- (h) *the Town may act to ensure compliance with the car stacker conditions of approval, in the event that the Applicant/Owner fails to ensure that the car stacker is in good working order and maintained as such, and the conditions of approval are compliant;*
- (i) *the Applicant/Owner undertakes to provide, maintain and ensure the car stacker system is operable and in good working order at all times, for the life of the building, to the satisfaction of the Town;*
- (j) *the Applicant/Owner agrees to indemnify the Town for any claims, actions or litigation arising from the car stacker system; and*
- (k) *an acoustic assessment report being submitted and approved by the Town's Health Services demonstrating that the car stacker has acceptable sound attenuation measures to protect the amenity of surrounding residents. Further acoustic report(s) will be required upon completion of the development, prior to the first occupation of the development, to certify compliance with the approved report and associated regulations.*

**FURTHER INFORMATION:**

The Officer Report was amended prior to the Agenda being printed and the conditions relating to the car stacker were inadvertently not amended and updated to facilitate the retention of the car stacker in the proposal.

The car stacker is not considered to warrant a separate planning application as the applicant has submitted sufficient information to enable it to be considered as part of this application. As can be seen in the 'Corrected Officer Recommendation', conditions have been imposed requiring additional information at the Building Licence stage.

<b>Landowner:</b>	S & G Mondello
<b>Applicant:</b>	M Carbone Designs
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R20
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	357 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 17 December 2002      The Council at its Ordinary Meeting resolved to conditionally approve an application for a two-storey single house on the subject lot.
- 13 September 2005    The Council at its Ordinary Meeting resolved to conditionally approve an application for a three-storey single house including basement and undercroft car parking on the subject lot.
- 18 December 2007    The Council at its Ordinary Meeting resolved to refuse the application for a three-storey single house on the subject property for the following reasons:
- “(i) *the development is not consistent with the orderly and properly planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the setbacks, privacy and open space requirements of the Residential Design Codes, and the setbacks, privacy and building height requirements of the Town’s Policy relating to the Walters Brook Design Guidelines for Lots 229-232 Pakenham Street, Mount Lawley, respectively; and*
- (iii) *consideration of the objections received.”*
- 9 January 2008      The Town received a copy of a review application lodged with the State Administrative Tribunal (SAT) regarding the above refusal of the planning application.
- 28 April 2008        The SAT ordered that the application for review be dismissed and the Town's decision affirmed.

**DETAILS:**

The proposal involves the construction of a two-storey single house with basement car parking and cellar.

**\*Note: The following Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	0.71	1	Noted – the subject lot was formed and approved as part of the Walters Brook Subdivision.

<p>Building Setbacks:</p> <p>Ground floor to Bream Cove.</p> <p>Ground floor to northern boundary.</p> <p>Ground floor to north/east (rear) boundary.</p>	<p>1.5 metres</p> <p>1.5 metres</p> <p>1.5 metres</p>	<p>1.364 – 1.514 - 2.014 - 3 metres</p> <p>1.031 -2.74 metres</p> <p>1.008 - 1.238 - 1.508 -2.4 metres</p>	<p>Supported – as the wall nib that protrudes into the street setback area (to a setback of 1.364 metres) is considered a minor incursion and will not have an undue impact on the streetscape or amenity of the area.</p> <p>Supported - not considered to have an undue impact on the neighbouring property.</p> <p>Supported – as above.</p>
<p>First floor to Joel Terrace</p>	<p>To be in accordance with setbacks of the existing streetscape.</p>	<p>3.5 metres to balcony</p> <p>4.15 metres to main building line</p>	<p>Supported – the Walters Brook Design Guidelines do not provide any definitive setback requirement, rather it states they <i>‘are to be in accordance with setbacks of the existing streetscape’</i>. There is no predominant streetscape pattern for the immediate streetscape, with many of the dwellings comprising upper floors directly above the ground floor. The subject setback facilitates efficient use of the site and the design presents an attractive, articulated and interactive elevation to each street frontage.</p>
<p>First floor to Bream Cove</p>	<p>1.5 metres</p>	<p>1.364 - 1.514 - 2 metres</p>	<p>Supported – as the wall nib that protrudes into the street setback area (to a setback of 1.364 metres) is considered a minor incursion and will not have an undue impact on the streetscape or amenity of the area.</p>

First floor to northern boundary	3.8 metres	1.451 -1.842 metres	Supported - not considered to have an undue impact on the neighbouring property.
Ground floor to north/east (rear) boundary.	3.9 metres	1.238 - 2.108 - 2.527 metres	Supported – as above.
Excavation	Excavation between the street alignment and building, or within 3 metres of the street alignment, whichever is the lesser, not to exceed 0.5 metre.	Up to 1.796 metres excavation between the building line and the Joel Terrace boundary.	Supported – as the Town previously determined that the finished floor and ground levels were not to exceed 7.00 metres AHD and hence significant excavation is required along the north east boundary to satisfy the Town’s requirements. Refer to the Officer Comment below for further clarification.
Building Height	Top of external wall (roof above) – 6 metres	6.3 metres along northern – western elevation.	<del>Not supported – conditioned to comply as the car stacker is to be deleted from the proposal, whereby the additional height would no longer be required. The applicant has submitted amended plans demonstrating almost total compliance with this requirement. It is considered that the minor variation to the building height along the north-western elevation be supported as the applicant is undertaking significant earthworks to comply with the Town's AHD requirements and as the additional height is required to ensure the car stacker complies with the Australian Standards.</del>
Privacy Setbacks			
Balcony to northern boundary.	7.5 metres	3 metres	Supported - as the balcony overlooks the front setback area of the adjacent northern property and as per the R Codes there is a lesser need to prevent overlooking in this area.

Street walls and Fences	The maximum height of the solid portion of wall - 1.2 metres.  Piers no more than 355 millimetres in width	A portion of solid wall.  Pier width 600 millimetres	Not supported – conditioned to comply as per the Town’s Non-Variation of Specific Development Standards and Requirements new street walls, fences and gates are to comply without variation to achieve a reasonable level of amenity, whilst providing for consistency in the application of such standards. Joel Terrace is an important thoroughfare and, as such, it is important that this requirement, which encourages causal surveillance and open streetscapes, be adhered to.
Outdoor Living Area	Behind street setback	Within street setback area.	Supported – as per the Performance Criteria of the Residential Design Codes the area is capable of use in conjunction with a habitable room and open to the winter sun. The large adjacent north-eastern property, which overshadows the subject property inhibits the provision of outdoor living area behind the street setback area.
Minor Nature Development Policy - Swimming Pool	Swimming pools not located within any street setback area.	Swimming pool located within street setback	Supported - the significant amount of excavation in this area already results in a development which distorts the visual impression of the natural level of the site as seen from the street. It is not considered the pool will result in any further impact.
<b>Consultation Submissions</b>			
Support	Nil		Noted.
Objection (6)	<ul style="list-style-type: none"> <li>• Building height is excessive.</li> </ul>		Supported – the applicant has submitted amended plans demonstrating almost total compliance with this requirement. <del>The</del> light of the

	<ul style="list-style-type: none"> <li>• Retaining and fill is excessive.</li> <li>• The application should comply with the previously set AHD levels for the subdivision.</li> <li>• The development will overshadow adjacent properties.</li> <li>• The car stacker will be noisy.</li> <li>• Plot Ratio appears non complaint.</li> </ul>	<p><del>recommendation for the deletion of the car stacker, a condition has been imposed to ensure the entire development is compliant with the building height requirements. It is considered that the minor variation to the building height along the north-western elevation be supported as the applicant is undertaking significant earthworks to comply with the Town's AHD requirements and as the additional height is required to ensure the car stacker complies with the Australian Standards.</del></p> <p>Supported – the applicant has submitted amended plans with no fill within the front setback area.</p> <p>Supported – the applicant has submitted amended plans demonstrating compliance with this requirement.</p> <p>Not Supported – the application complies with the R Codes overshadowing requirements.</p> <p><u>Not Supported</u> – refer to comments below. <u>A condition of planning approval requires the applicant to incorporate appropriate sound attenuation measures to ensure the car stacker will not impact on the adjacent residents in terms of noise.</u></p> <p>Not Supported – the R Codes do not have a plot ratio requirement for residential developments within an R20 zone.</p>
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	<ul style="list-style-type: none"> <li>• Building is not designed to avoid overlooking from windows.</li> <li>• Is not respectful of local context and existing building stock; that is, setbacks and orientation.</li> <li>• There are too many variations and the proposal is not within the various guidelines.</li> </ul>	<p>Not Supported – the building has been designed to reduce overlooking and complies with the privacy requirements of the R Codes.</p> <p>Not Supported – as per the Walters Brook Design Guidelines, the dwelling is positioned to address the primary street (Bream Cove), whilst still providing articulation and interest to the Joel Terrace streetscape.</p> <p>Not Supported – since the initial period of community consultation, the applicant has significantly amended the proposal resulting in a reduction in the amount of variations. The application was not required to be re-advertised as the amended proposal demonstrated fewer and no new variations than the previously advertised proposal.</p>
<b>Other Implications</b>		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Sustainability Implications	Nil	
Financial/Budget Implications	Nil	

\* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

**Car Stacker**

The application proposes a car stacker to accommodate four vehicles, which will be contained in the garage accessed off Bream Cove. The applicant has advised that the car stacking system is required as they own a number of cars, which they want to contain wholly on the property and in a space, efficient manner. The applicant has highlighted that there already appears to be conflict within Bream Cove in terms of vehicle access and parking and that the proposed car stacker will ensure that he will not further exacerbate these problems.

In light of the number of recent applications proposing the use of car stacking systems, the Town has researched and prepared a Draft Policy No. 3.7.3 relating to Car Stackers. As a result of research into car stacking systems, and the concerns previous raised by the Town’s Technical Services Directorate, with regard to the on-going management and complexity of such systems in large scale developments, it is noted that the Town should still be cautious in their support of applications that incorporate car stacking systems. Specifically, the Draft Policy states *‘the Town of Vincent will not support car stacking systems for any residential uses.’*

In consideration of this application, it is noted that the proposed car stacker causes the building height to exceed the requirement. Further details are required before the Officer's can support a car stacker however, as the proposed stacker is located within the residential garage and will only be used by the owner for four vehicles, it may be supportable. This car stacker would not be visible from outside the building and the use would be restricted to the owner of the property.

#### **AHD Levels**

In 2002, as a result of the sloping nature of the land in the Walters Brook Subdivision, the Town's Technical Services prepared a plan which indicated the existing ground levels on the road and the lots along Bream Cove and proposed finished floor levels, for Lots 1, 2, 3, 8, 9 and 10 within the "Walters Brook" subdivision in terms of Australian Height Datum (AHD).

With regard to the subject lot, it was determined that the maximum finished floor and ground levels were not to exceed 7.00 metres AHD due to the existing ground levels (which ranged from 6.87 metres AHD at the front of the lot to approximately 7.85 and 8.80 metres AHD at the rear of the lot). The proposed finish floor level was determined to be appropriate in terms of the potential effect on streetscape and adjoining properties, and as a result of the sloping nature of the lot. Since the period of Community Consultation, the applicant has submitted amended plans demonstrating compliance with the AHD level requirements.

In relation to the subsequent impact of the excavation within the front setback area, it is not considered to have an undue impact on the neighbours or the streetscape in terms of visual impact or privacy as the retaining walls would be below natural ground level.

#### **Conclusion**

With the exception of building height (if the proposed car stacker remains) and the proposed front fence to Joel Terrace, which has been conditioned in the Officer Recommendation, the subject proposal is generally considered to be compliant with the Town's Policy relating to *Walters Brook Design Guidelines*. The Guidelines encourage contemporary and innovative dwellings which are sympathetic to the adjacent properties and streetscape, with particular emphasis being on design, built form and the amenity of the adjoining residents.

The application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is therefore supported, subject to standard and appropriate conditions to address the above matters.

**9.1.9 Town of Vincent Heritage Advisory Group – Receiving of Unconfirmed Minutes**

<b>Ward:</b>	Both	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	PLA0088
<b>Attachments:</b>	<a href="#">001</a> <a href="#">002</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES;**
  - (a) *the report relating to the Town of Vincent Heritage Advisory Group; and*
  - (b) *the Unconfirmed Minutes from the Town of Vincent Heritage Advisory Group Meetings held on Wednesday 26 March 2008 and Wednesday 11 February 2009, which are contained in the attachments 001 and 002 to this report; and*
- (ii) **APPROVES** *the Town of Vincent Heritage Advisory Group's recommendation to demarcate the location of the pair of Olive Trees at the southwest corner of No. 1 (Lot 34) The Avenue, Leederville on all future plans and documents relating to the Leederville Masterplan.*

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**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted together with the following additional clause (iii):*

**“(iii) AUTHORISES the Chief Executive Officer to amend the procedures of the Town's Heritage Assistance Fund to include reference that a sign advising that the conservation works were partly funded by the Town, be erected and remain on-site throughout the period of any approved works.”**

Debate ensued.

**MOTION PUT AND CARRIED (9-0)**

**COUNCIL DECISION ITEM 9.1.9**

*That the Council;*

- (i) **RECEIVES;**
  - (a) *the report relating to the Town of Vincent Heritage Advisory Group; and*
  - (b) *the Unconfirmed Minutes from the Town of Vincent Heritage Advisory Group Meetings held on Wednesday 26 March 2008 and Wednesday 11 February 2009, which are contained in the attachments 001 and 002 to this report;*

- (ii) *APPROVES the Town of Vincent Heritage Advisory Group's recommendation to demarcate the location of the pair of Olive Trees at the southwest corner of No. 1 (Lot 34) The Avenue, Leederville on all future plans and documents relating to the Leederville Masterplan; and*
- (iii) *AUTHORISES the Chief Executive Officer to amend the procedures of the Town's Heritage Assistance Fund to include reference that a sign advising that the conservation works were partly funded by the Town, be erected and remain on-site throughout the period of any approved works.*
- 

#### **PURPOSE OF REPORT:**

The purpose of this report is to present to the Council an update on the progress of the Town's Heritage Advisory Group, to endorse the Minutes from the previous two meetings of the Group and to consider a recommendation to ensure the pair of Olive Trees at the southwest corner of No. 1 (Lot 34) The Avenue, Leederville, are demarcated on all future plans and documents relating to the Leederville Masterplan.

#### **BACKGROUND:**

The Heritage Advisory Group was established on 13 May 1996. Since this time, the role and scope of the Group has changed considerably in part as a result of the formalisation and evolution of the Town's Heritage Services key objectives and core business. The objectives of the Heritage Advisory Group are as follows:

- Act in an advisory capacity in all heritage matters as requested by the Council; and
- Provide support for the implementation of the key objectives detailed in the Town of Vincent Heritage Strategic Plan 2007-2012.

#### **DETAILS:**

At the Town's Heritage Advisory Group Meeting held on Wednesday 11 February 2009, the Town's Officers provided an overview of the on-going and completed projects of the Town's Heritage Services since March 2008. At this meeting, the Minutes from the previous Heritage Advisory Group Meeting, which was held on Wednesday 26 March 2008, were inadvertently not adopted and endorsed. In light of the significant time between meetings, it is considered appropriate for the unconfirmed Minutes from the Meetings held on Wednesday 26 March 2008 and Wednesday 11 February 2009 to be presented to the Council.

As mentioned above, at the most recent Heritage Advisory Group Meeting held on Wednesday 11 February 2009, the Group discussed the various on-going and completed projects of the Town's Heritage Services since March 2008. One such matter was the adoption of two (2) new properties onto the Town's MHI at the Ordinary Meeting of Council held on 10 February 2009. Places entered were the Olive Trees at No. 1 (Lot 34) The Avenue, Leederville as a Management Category B - Conservation Recommended and the former maternity hospital at No. 590 Newcastle Street as a Management Category B - Conservation Recommended.

In noting the two new entries, concern was raised regarding the two Olive Trees and whether they were identified in the Leederville Masterplan documentation. To ensure the trees were not inadvertently left out of the plan and to ensure their retention and inclusion in the Leederville Masterplan, Councillor Doran-Wu requested that, *'the location of the Olive Trees listed on the Town's Municipal Heritage Inventory are to be included in all further documentation and plans relating to the proposed development of the Leederville Master Plan Area'*.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

There are no legal or policy implications directly applicable to this matter.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011: Objective 1. Natural and Built Environment:

*"... 1.1.3 Enhance and maintain the character and heritage of the Town:*

- (a) Adopt the Conservation Plan for Beatty Park Leisure Centre and Beatty Park, Plan and complete so that redevelopment plans can be guided by the Conservation Plan.*
- (b) Implement and promote the Municipal Heritage Inventory and Heritage Management Policies.*
- (c) Implement and promote a Heritage Strategic Plan."*

Heritage Strategic Plan 2007 – 2012:

*" Key Result Area 5: Heritage Expertise in Council - Improving Knowledge and Services:*

*... Reactivate effective use of Heritage Advisory Group."*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

It is recommended that in light of the above, the Council supports the Officer Recommendation to receive the report relating to the Heritage Advisory Group, endorse the unconfirmed Minutes from the previous two meetings of the Group and approve the recommendation to demarcate the MHI listed Olive Trees on all future plans and documents relating to the Leederville Masterplan.

**9.2.3 Infrastructure Asset Management – Adoption of Policy and Guidelines**

<b>Ward:</b>	Both	<b>Date:</b>	4 March 2009
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0004
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker, M Rootsey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report the on Infrastructure Asset Management Policy and Guidelines;*
- (ii) *ADOPTS Policy No. 2.2.12 “Infrastructure Asset Management” as shown in Appendix 9.2.3;*
- (iii) *AUTHORISES the Chief Executive Officer to:*
  - (a) *advertise the policy for a period of 21 days seeking public comment;*
  - (b) *report back to the Council with any public submissions received; and*
  - (c) *include the amended policy in the Town’s Policy manual if no public submissions are received.*

**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (8-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Maier
Cr Burns	
Cr Doran-Wu	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Messina	
Cr Youngman	

**PURPOSE OF REPORT:**

The purpose of this report is to provide information on the proposed Infrastructure Asset Management Policy and Guidelines.

## **BACKGROUND:**

The Town's officers have been progressing the development of asset management for the Town by being involved in the Western Australian Asset Management Improvement (WAAMI) Program.

The WAAMI program comprises a number of sessions and outlines why asset management is necessary, where an organisation is in terms of asset management, and what needs to be undertaken to bring the organisation up to speed with regard to asset management.

## **DETAILS:**

### **Asset Management:**

"Asset management" is a broad term and can be defined as a process that guides the gaining of assets, along with their use (and disposal) in order to make the most of the assets and their potential throughout the life of the assets.

Asset management is a discipline that should be followed in order to maintain the assets.

The Local Government asset is a public or shared asset such as, building and maintaining roads, parks, buildings, etc. Asset management can be used to maintain the cost of an asset and to create an asset in a more cost efficient manner.

There are many different means of asset management depending on the type of asset and there are companies and software products available to assist in asset management, however, the broad aim of asset management is to:

- Optimise asset use and manage all maintenance efforts involved by making assets as accurate, reliable, and efficient as possible.
- Reduce the demand for new assets and thus save money by using demand management techniques and maintaining current assets.
- Use a form of asset tracking, i.e. knowing where the asset is, how much the asset is worth and how much the asset cost to begin with. It should also incorporate this throughout the entire life of the asset.
- Try to achieve greater value for money through evaluating the asset options, e.g. the cost of maintaining, producing, and use, etc.
- Provide a report on the value of the asset, along with any costs involved in maintaining the asset.

### **The Path to Successful Asset Management**

There are some basic steps that form the foundation for improving asset management. As a minimum, the Local Government is required to have an asset management policy/position and an improvement strategy to provide direction and guidance for asset management planning. Asset management plans then provide more detail and long term projections and the operations arrangements cater for the delivery of asset management.

### Policy

- Context and importance
- AM vision and service delivery
- Responsibilities and relationships
- Broad timeframes and deadlines
- Integration of AM into organisation
- Audit and review
- Decision making principle

### Strategy

- Current status:
  - Processes
  - Systems
  - Data
  - Planning
  - Implementation
- Future vision
- Gap analysis
- Strategies and actions to address gaps
- Resources and timeframes

### Plans

- Levels of services
- Demand forecasts
- Asset portfolio
- AM activities
  - Operations
  - Maintenance
  - Renewals
  - Capital works
  - Disposals
- Financial forecasts (20 years)

### Operation Plans

- Reflects AM Plan priorities forecasts
- Allocates necessary resources
- Contains measurable performance indicators
- Promotes efficient service delivery

### **Corporate System:**

The Town's Corporate system possesses a capital valuation register (Asset Register) which is currently being implemented. This will maintain the financial aspects of the Town's assets. The system also includes an Asset Management module, which will be implemented over the next three (3) year period and will provide a comprehensive system for the management of the Town's assets.

### **Infrastructure Asset Management–Policy and Guidelines:**

In accordance with the WAAMI program, as a minimum the Local Government is required to have an asset management policy.

The purpose of the policy is to assist the Council in managing the infrastructure assets of the Town to meet its vision of *a sustainable and caring community built with vibrancy and diversity* as outlined in its strategic plan. To achieve the vision, the Council has five (5) strategic objectives with key result areas for each outcome. This policy relates to all of the strategic outcomes and provides an integrated and multi-disciplinary environment for undertaking infrastructure asset management in such a way as to:

- Ensure that assets service the community for current and future generations
- Ensure that assets provide a level of service and risk the community is willing to support
- Ensure the sustainable management of assets
- Encourage and support the economic and social wellbeing of our community
- Allow informed decision making, incorporating life cycle costing principles

This policy aims to achieve the following:

- Support the Town's vision and strategic objectives through a dynamic infrastructure asset management framework that will enable Infrastructure Asset Management (IAM) to be undertaken in a structured, integrated, co-ordinated, cost effective and financially sustainable manner, with consideration to full life cycle costing and assessment of the feasibility and cost of future replacement
- To assess continued asset ownership, responsibility and management of risk
- Provide an essential framework and rationale for best practice IAM decision making and informing the organisation on how it will maintain its infrastructure asset to meet service delivery requirements
- Compliment and build on the Town's Plan for the Future - Strategic Plan 2006-2011, and provide a more formalised approach to IAM principles and methodologies
- Provide the framework for the preparation of IAM strategies and plans for infrastructure assets
- Identify and set levels of service to meet the needs and expectations of the community

This policy also outlines the importance of IAM and what needs to be considered to ensure that:

- Financial, social and environmental sustainability issues are clearly understood and recognised by Council (i.e. the Council Members) and its community, while providing for present needs and sustaining resources for future generations enabling consistency of decision making
- A Life Cycle approach is incorporated into IAM processes, enabling informed decision making to meet service needs over the life of an infrastructure asset from planning, creation, operations, maintenance, and renewal through to disposal
- Level of service needs form the basis of the IAM
- Management of infrastructure assets is undertaken in a structured and integrated way
- Corporate responsibility and resources are identified and established for infrastructure assets inventory, condition, use and performance
- Risk management is considered as part of IAM
- Legislative and regulatory requirements are achieved
- New innovative ways of meeting level of service requirements are sought through continuous improvement
- All infrastructure asset registers are kept up to date and relevant to enable accurate reporting and effective decision-making
- Compliance to the Asset Management Policy will be included in the Council adopted four (4) year internal audit program

**Asset Management Officer:**

It is proposed that as part of the implementation and development of Asset Management that an officer be appointed to undertake the following:

- Liaise with the Asset Management Task Team
- Assist with the review the Asset Management Policy and Strategy implementation within agreed resources
- Provide accurate and reliable information.
- Ensure that the asset database is maintained and updated.

It is considered that this could be achieved by reclassifying an existing position in the Technical Services Directorate. The Chief Executive Officer is currently investigating this matter.

**CONSULTATION/ADVERTISING:**

The Chief Executive Officer will advertise the policy for a period of 21 days seeking public comment, report back to the Council with any public submissions received and include the amended policy in the Town's Policy manual if no public submissions are received.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS**

In accordance with Key Result Area One of Strategic Plan 2006-2011 - 1.1.6 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "j) Develop a strategy for the staged implementation of underground power throughout the Town."*

**SUSTAINBILITY IMPLICATIONS**

To maintain the Town's assets in a sustainable manner.

**FINANCIAL/BUDGET IMPLICATIONS:**

Allocations made in annual budget for asset improvements/maintenance.

**COMMENTS:**

Local Governments (LGs) in their traditional reactive approach, strapped for resources and devoid of incentives, are just coming to terms with being fully pro-active. There has been little, if any, support from the proponents of legislation to assist LGs in implementing Asset Management Plans on the ground.

The development and adoption of the Infrastructure Asset Management Policy and Guidelines is the first step in the road to effectively and efficiently managing the Town's assets in the future.

The Chief Executive Officer advised that Mayor Catania, Cr Burns and Cr Messina had declared a financial interest in Item 9.3.1. They departed the Chamber at 7.40pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Steed Farrell assumed the chair at 7.40pm.

### 9.3.1 Investment Report as at 28 February 2009

Ward:	Both	Date:	4 March 2009
Precinct:	All	File Ref:	FIN0033
Attachments:	<a href="#">001</a> ; <a href="#">002</a>		
Reporting Officer(s):	N Makwana		
Checked/Endorsed by:	B Tan	Amended by:	

#### **OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 28 February 2009 as detailed in Appendix 9.3.1.*

#### **COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Ker, Seconded Cr Youngman**

*That the recommendation be adopted.*

#### **MOTION PUT AND CARRIED (6-0)**

**(Mayor Catania, Cr Burns and Cr Messina were absent from the Chamber and did not vote on this matter.)**

Mayor Catania, Cr Burns Cr Messina returned to the Chamber at 7.41pm. The Chief Executive Officer advised that the item was carried.

Mayor Catania, assumed the Chair.

#### **PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

#### **BACKGROUND:**

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

#### **DETAILS:**

Total Investments for the period ended 28 February 2009 were \$14,973,265 compared with \$16,473,265 at 31 January 2009. At 29 February 2008, \$17,789,958 was invested.

Total accrued interest earned on Investments as at 28 February 2009:

	<b>Budget</b>	<b>Actual</b>	<b>%</b>
	\$	\$	
Municipal	650,000	401,686	61.80
Reserve	485,710	358,389	73.79

**COMMENT:**

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

The report comprises of:

- Investment Report;
- Investment Fund Summary;
- Investment Earnings Performance;
- Percentage of Funds Invested;
- Graphs.

## 10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 10.1 Notice of Motion - Councillor Ian Ker – Blessing of the Roads 2009

*That Council participate in the 'Blessing of the Roads' initiative as a road safety initiative for Easter 2009, with the Chief Executive Officer and the Mayor to determine a suitable location.*

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#### COUNCIL DECISION ITEM 10.1

Moved Cr Ker, Seconded Cr Farrell

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (9-0)**

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#### **BACKGROUND INFORMATION PROVIDED BY CR KER:**

The Town of Vincent has not participated before, but Cr Ker is sure the Town has a number of black spots and other locations in the Town that would provide appropriate locations i.e. the Redemptorist Monastery on Vincent Street, where an elderly lady was killed by a car a few years ago and some years prior to that, a cyclist was killed opposite while riding along Vincent Street – which led to the reconfiguration of the intersection also, opposite at Royal Park, would provide a highly visible location, or the Monastery has grounds that may be able to be used.

**10.2 Notice of Motion - Councillor Ian Ker - Road Widening Reservations**

*That the Town initiate appropriate amendments to the Metropolitan Region Scheme to remove road widening reservations on Beaufort Street (Brisbane to Walcott Streets) and Fitzgerald Street (Carr to Walcott Streets).*

**COUNCIL DECISION ITEM 10.2**

**Moved Cr Ker, Seconded Cr Messina**

*That the recommendation be adopted.*

**Debate ensued.**

**MOTION PUT AND CARRIED (9-0)**

**BACKGROUND INFORMATION PROVIDED BY CR KER:**

Council resolved on 27 April 2007 to request the WA Planning Commission to review all road widening reservations in the Town on the grounds that the last review was outdated (1991) and that both future traffic volumes and community expectations have changed substantially since then.

On 27 May 2008 the Council received a progress report on the matter and on 26 August 2008 the Director Technical Services reported to Council on an informal review of road widening reservations in the Town. This concluded that widening of Beaufort Street and Fitzgerald Street would do little to increase traffic capacity and, particularly through the Town centres of Mount Lawley/Highgate and North Perth, would not be feasible without unacceptable destruction of the urban fabric and commercial streetscape and loss of amenity.

The Department for Planning and Infrastructure has been working on defining an appropriate widening reservation for Charles Street (which is under the care, control and management of Main Roads WA) and recently had discussions on the matter with representatives of the Town of Vincent. However, no action has been taken with respect to other arterial roads in the Town and it is appropriate that the Town initiate the amendment process rather than continuing to wait for WA Planning Commission or Department for Planning and Infrastructure to formulate a response to Council's previous resolution.

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**PROCEDURAL MOTION**

At 7.45pm Moved Cr Ker, Seconded Cr Farrell

*That Council proceed “behind closed doors” to consider confidential items 14.1 and 14.2, as this matter contains legal advice obtained or which may be obtained by the local government and which relates to a matter to be discussed at the meeting.*

**PROCEDURAL MOTION PUT AND CARRIED (9-0)**

No public or journalists were present.

**14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)**

**14.1 CONFIDENTIAL REPORT - No. 126 (Lot: 1 D/P: 12694) Buxton Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses - State Administrative Tribunal (SAT) - Review Matter No. DR 505 of 2008**

<b>Ward:</b>	North	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	Mount Hawthorn; P01	<b>File Ref:</b>	PRO4535; 5.2008.405.1
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	E Storm		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That, given the decisions by the Council at its Ordinary Meetings held on 2 December 2008 and 10 February 2009 to refuse the application, the Council;*

- (i) *RECEIVES the report relating to No. 126 (Lot: 1 D/P: 12694) Buxton Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses - State Administrative Tribunal (SAT) - Review Matter No. DR 505 of 2008;*
- (ii) *FILES and SERVES the following draft “without prejudice” conditions to the SAT in response to the SAT Orders dated 19 February 2009;*
  - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*

- (b) *an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (c) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (d) *any new street/front wall, fence and gate within the Buxton Street setback area, including along the side boundaries within these street setback areas, shall comply with the following:*

  - (1) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (2) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (3) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (4) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (5) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (6) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (e) *a detailed landscaping plan, including a list of plants and the landscaping of the Buxton Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (f) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (g) *first obtaining the consent of the owners of Nos. 122 and 128 Buxton Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (parapet) walls facing Nos. 122 and 128 Buxton Street in a good and clean condition;*

(h) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*

- (1) *the northern wall longer than 9 metres of the northern unit, and the southern wall longer than 9 metres of the southern unit, on the upper floor, incorporating appropriate horizontal articulation; and*
- (2) *the northern and southern elevations of the balconies of both units and the windows to bedroom 2 of the southern unit on the southern elevation, on the upper floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 122 and 128 Buxton Street stating no objection to the respective proposed privacy encroachments.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

(iii) *INVITES COUNCILLOR(S)..... to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".*

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**Moved Cr Farrell, Seconded Cr Doran-Wu**

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT

**Moved Cr Doran-Wu, Seconded Cr Messina**

*That a new clause (ii)(i) be inserted as follows:*

**“(ii)(i) the proposed garage door shall have a minimum 50 per cent visual permeability.”**

**AMENDMENT PUT AND CARRIED (8-1)**

**For**  
Mayor Catania  
Cr Burns  
Cr Doran-Wu  
Cr Farrell  
Cr Ker  
Cr Lake  
Cr Messina  
Cr Youngman

**Against**  
Cr Maier

The Presiding Member, Mayor Catania called for nominations for clause (iii).

Cr Doran-Wu nominated.

Council agreed unanimously. No other nominations were received.

**MOTION AS AMENDED PUT AND CARRIED (9-0)**

**COUNCIL DECISION ITEM 14.1**

*That, given the decisions by the Council at its Ordinary Meetings held on 2 December 2008 and 10 February 2009 to refuse the application, the Council;*

- (i) *RECEIVES the report relating to No. 126 (Lot: 1 D/P: 12694) Buxton Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses - State Administrative Tribunal (SAT) - Review Matter No. DR 505 of 2008;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the SAT in response to the SAT Orders dated 19 February 2009;*
  - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
  - (b) *an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (c) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
  - (d) *any new street/front wall, fence and gate within the Buxton Street setback area, including along the side boundaries within these street setback areas, shall comply with the following:*
    - (1) *the maximum height being 1.8 metres above the adjacent footpath level;*
    - (2) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
    - (3) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
    - (4) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
    - (5) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
    - (6) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (e) *a detailed landscaping plan, including a list of plants and the landscaping of the Buxton Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (f) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (g) *first obtaining the consent of the owners of Nos. 122 and 128 Buxton Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (parapet) walls facing Nos. 122 and 128 Buxton Street in a good and clean condition;*
- (h) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (1) *the northern wall longer than 9 metres of the northern unit, and the southern wall longer than 9 metres of the southern unit, on the upper floor, incorporating appropriate horizontal articulation; and*
  - (2) *the northern and southern elevations of the balconies of both units and the windows to bedroom 2 of the southern unit on the southern elevation, on the upper floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 122 and 128 Buxton Street stating no objection to the respective proposed privacy encroachments.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

- (i) *the proposed garage door shall have a minimum 50 per cent visual permeability; and*
- (iii) *INVITES COUNCILLOR Helen Doran-Wu to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".*

**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position regarding a review application to the State Administrative Tribunal, contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The Town of Vincent Local Law Relating to Standing Orders states the following:

*"2.15 Confidential business*

*(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**14.2 CONFIDENTIAL REPORT - No. 36 (Lot: 500 D/P: 69083) Paddington Street, North Perth - Proposed Partial Demolition of, and Alterations, Additions and Additional Two-Storey Grouped Dwelling to Existing Single House - State Administrative Tribunal (SAT) - Review Matter No. DR 519 of 2008**

<b>Ward:</b>	North	<b>Date:</b>	3 March 2009
<b>Precinct:</b>	North Perth; P08	<b>File Ref:</b>	PRO0718; 5.2008.490.1
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	H Smith, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

*That, given the decision by the Council at its Ordinary Meeting held on 24 February 2009 to refuse the application, the Council;*

- (i) *RECEIVES the report relating to No. 36 (Lot: 500 D/P: 69083) Paddington Street, North Perth - Proposed Partial Demolition of, and Alterations, Additions and Additional Two-Storey Grouped Dwelling to Existing Single House - State Administrative Tribunal (SAT) - Review Matter No. DR 519 of 2008;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the SAT in response to the SAT Orders dated 4 February 2009;*
  - (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
  - (b) *first obtaining the consent of the owners of Nos. 34 and 38 Paddington Street and No.19 Clieveden Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 34 and 38 Paddington Street and No.19 Clieveden Street in a good and clean condition;*
  - (c) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
    - (1) *stores for both the existing and proposed dwellings having a minimum internal area of 4 square metres with a minimum dimension of 1.5 metres;*
    - (2) *the height of the boundary fence being reduced to no greater than 1.8 metres above the natural ground level at any point; and*
    - (3) *the window to bedroom 2 on the eastern elevation on the upper floor being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed.*

*The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 34 Paddington Street stating no objection to the respective proposed privacy encroachments;*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

- (d) *any new street/front wall, fence and gate within the Paddington Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
- (1) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (2) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (3) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (4) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (5) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (6) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (e) *the carport for the existing dwelling shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels with a minimum visual permeability of eighty (80) per cent are permitted);*
- (f) *a detailed landscaping plan, including a list of plants and the landscaping of the Paddington Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*

- (g) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town for the conservation of the existing dwelling located on the proposed southern lot/ site. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) *INVITES COUNCILLOR Anka Burns to submit a written submission (witness statement) on behalf of the Council on the Review (appeal); and*
- (iv) *AUTHORISES the Chief Executive Officer to write to the SAT and advise that the Council has no objection to the matter proceeding by way of "Final Papers", as opposed to a "Final Hearing" as scheduled.*

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**COUNCIL DECISION ITEM 14.2**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED (9-0)**

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**DETAILS:**

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position regarding a review application to the State Administrative Tribunal, contains legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act the report is to be kept confidential until determined by the Council to be released for public information.

**LEGAL:**

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The Town of Vincent Local Law Relating to Standing Orders states the following:

*"2.15 Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**PROCEDURAL MOTION**

**At 7.55pm Moved Cr Ker, Seconded Cr Messina**

*That an "open meeting" be resumed.*

**PROCEDURAL MOTION PUT AND CARRIED (9-0)**

**15. CLOSURE**

**The Presiding Member, Mayor Nick Catania, declared the meeting closed at 7.55pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell ( <i>Deputy Mayor</i> )	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No Members of the Public or journalists present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 10 March 2009.

Signed: .....Presiding Member  
Mayor Nick Catania

Dated this ..... day of ..... 2009